

Notes  
on the  
New Society  
of the  
Philippines

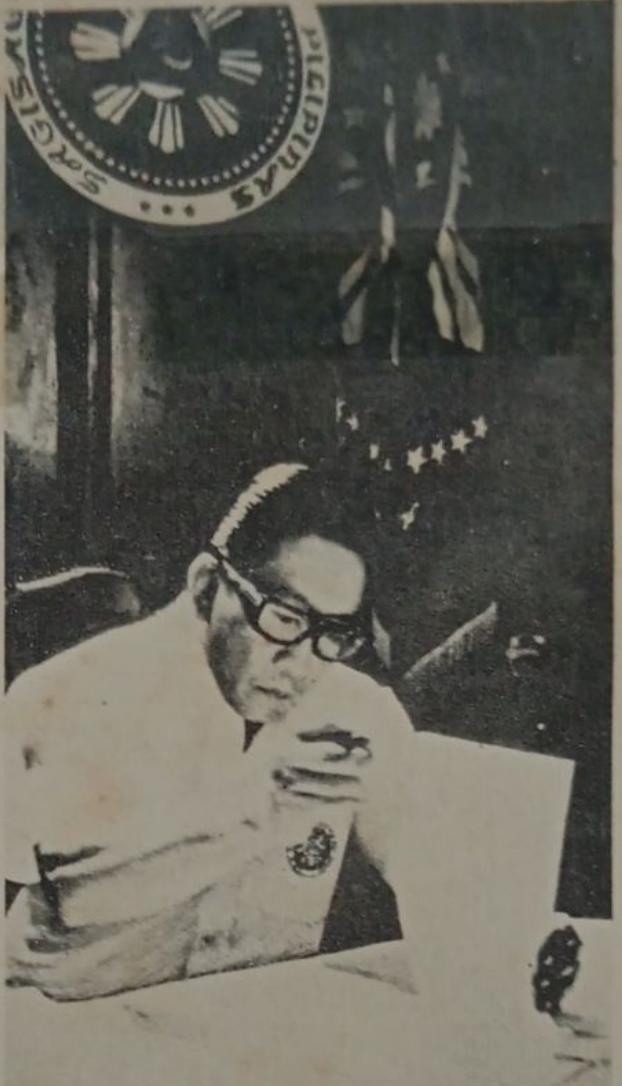
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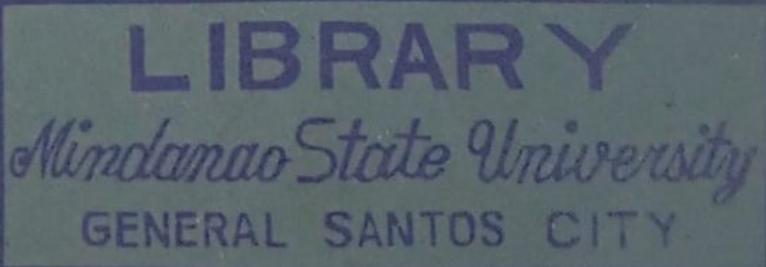
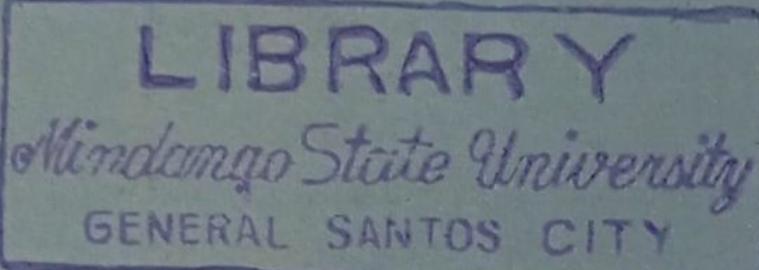


PRESIDENT FERDINAND E. MARCOS

In *Notes on the New Society of the Philippines*, the author of *Today's Revolution: Democracy*, narrates in lucid and disciplined prose the events that made the proclamation of martial law -- and the building of a New Society --- a compelling necessity. Plagued by rising dissidence and rebellion and dominated by a conspiratorial political-economic oligarchy, Philippine society had to respond to the challenge of a non-violent constitutional revolution or be overwhelmed by a violent one. This book tells the story of its author's brilliant and imaginative response to the situation. It

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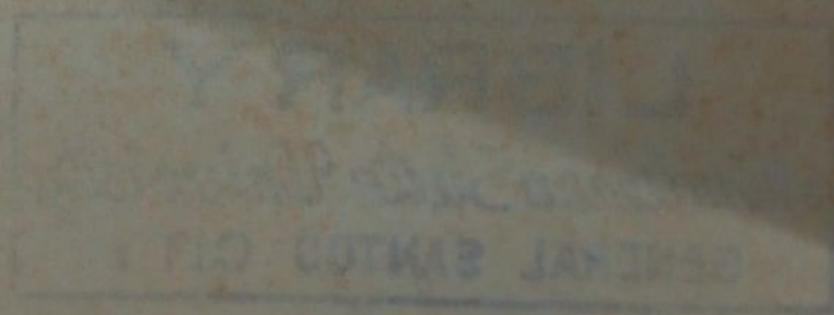
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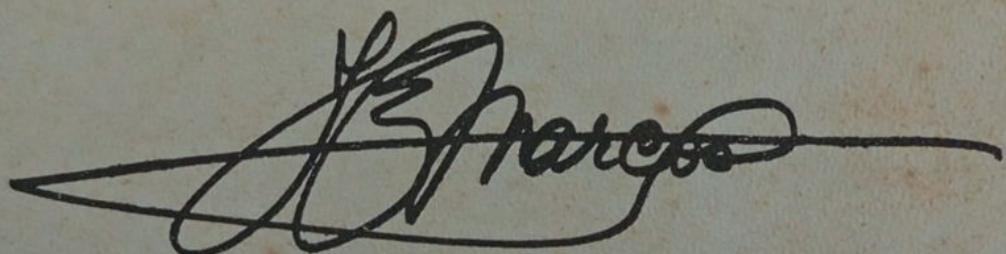
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Dates on the  
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## Contents

	<i>My Fighting Faith</i>	i
	<i>Foreword</i>	iii
CHAPTER I	<i>The Hour of Decision</i>	i
CHAPTER II	<i>The September 21 Movement</i>	31
CHAPTER III	<i>The Rebellion of the Poor</i>	43
CHAPTER IV	<i>The Question of Equality</i>	59
CHAPTER V	<i>The Political Bond</i>	67
CHAPTER VI	<i>The Conquest of Poverty</i>	83
CHAPTER VII	<i>Theory and Practice in the New Society</i>	101
	<i>Appendix</i>	155
	<i>Index</i>	227

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*This book is dedicated  
to the Filipino people*



## MY FIGHTING FAITH

If we accept life as a struggle, and history as the continuing struggle for freedom, we realize the necessity of revolution, and from that, the imperative of a militant creed.

I believe, therefore, in the necessity of Revolution as an instrument of individual and social change, and that its end is the advancement of human freedom.

I believe that only a reactionary resistance to radical change will make a Jacobin, or armed, revolution inevitable, but that in a democratic society, revolution is of necessity constitutional, peaceful, and legal.

I believe that while we have utilized the Presidential powers to dismantle the bloody revolution and its rightist, communist and other apparatus, we must not fail our people; we must replace the bloody revolution with the authentic revolution — liberal, constitutional and peaceful.

I believe in democracy as the continuing revolution; that any other revolution is unjustified if it cannot meet the democratic criterion.

I believe that even if a society should be corrupted by an unjust economic or social system, this can be redressed by the people, directly or indirectly, for democracy has the powers of self-rejuvenation and self-correction.

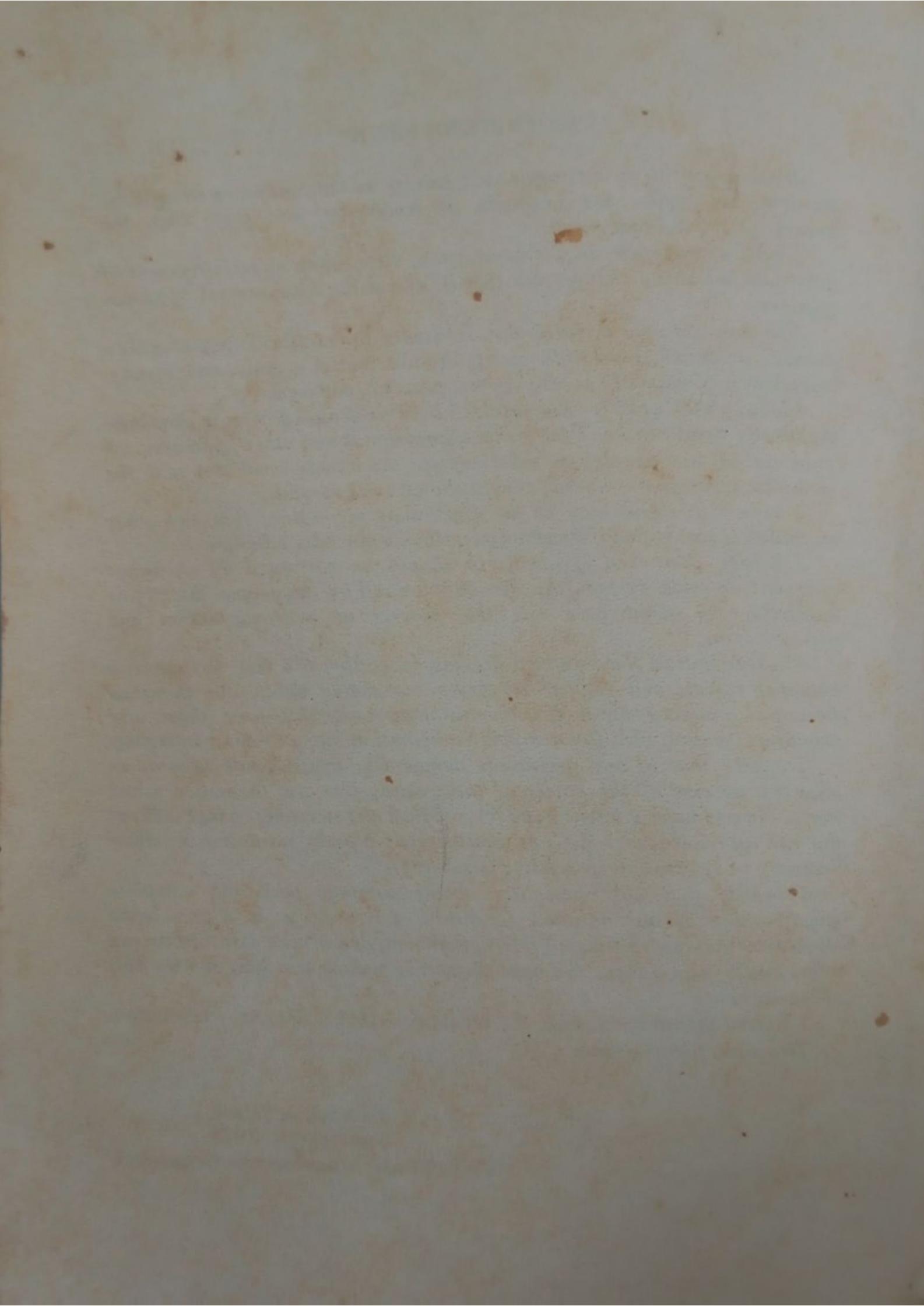
I believe that in this troubled present, revolution is a fact, not merely a potential threat, and that if we value our sacred rights, our cherished freedoms, we must wrest the revolutionary leadership from those who would, in the end, turn the democratic revolution into a totalitarian regime.

I believe that in our precarious democracy, which tends towards an oligarchy because of the power of the wealthy few over the impoverished many, there remains a bright hope for a radical and sweeping change without the risk of violence. I do not believe that bloody revolution is either necessary or effective in an existing democracy.

I believe that our realization of the common peril, our complete understanding of our national condition, will unite us in a democratic revolution that will ultimately strengthen our democratic institutions and offer, finally, our citizens the opportunity of making the most and the best of themselves.

I believe that democracy is the revolution, that it is today's revolution. This is my fighting faith.

Malacañang Palace,  
September 7, 1971  
From "Today's Revolution: Democracy"



## *Foreword*

Great decisions are made for us as much as we make them. I am, to be sure, accountable to history for 21 September 1972 when I signed the proclamation placing the entire Philippines under martial law. And yet solely and completely responsible as I am for this decision, I cannot escape the sense that events, the thrust of history, and even the will of the people, somehow guided my hand to the deed. I say this not to exculpate myself in advance — this is impossible, no man can cheat history — but to offer one more instance, out of personal experience, of a well-known suspicion: that behind every man who makes history are forces which blur the distinction between individual initiative and historical necessity. The adherents of opposing views of history can find whatever support that may please them, but to the man who, like myself, has touched by a single act the very nerve of history, it is a source of confidence to know that while he stands alone, he had not acted in isolation, outside or in opposition to the compelling circumstances of his time and place.

Signing the proclamation was not, strictly speaking, the most difficult decision of all. Long before I committed myself to the act, I had been consulting with officials, intellectuals, businessmen, jurists and military officers within my circle (not necessarily official) of trust and confidence. For a great variety of reasons, they were unanimous in the thought that martial law might have to be declared; the most important consideration

was, of course, the clear and present danger to the Republic of the Philippines. The facts spoke for themselves; the state of the country was evident to all; given the knowledge and the perspective, it was not, therefore, a particularly difficult process arriving at the inevitable conclusion.

★ The declaration of martial law achieved a compelling simplicity and clarity when the conspirators against the established political order escalated their campaign. They were helped, in no small measure, by assorted malefactors who were cynically indifferent about the national situation. As events turned out, the measures taken upon the operation of Proclamation 1081 were so immediately salutary that even those who had initial misgivings about martial law found themselves asking why it had not been resorted to earlier.

The maladies of decades — public disorder to the point of anarchy, graft and corruption in government, smuggling, narcotics peddling, and commodity and price manipulation of every conceivable magnitude — found their necessary, if drastic, remedies in a matter of days. It was as if an ancient weight had been lifted from the shoulders of all citizens.

But, all the same, it is premature to congratulate ourselves. If I said that the least difficult decision was signing Proclamation 1081, it was to indicate a greater one, that which concerns most our destiny as a nation and the future generations. It was a temptation to regard the declaration of martial law as a simple police action. Now that the conspirators and various malefactors were either under custody or in hiding, we

could tell ourselves that normalcy had been restored, that it is now a simple matter of going back to everyday chores, to the old life that we knew.

\* Martial law then would have been a drastic strategy of protecting the status quo, by which I mean the very society, the sick society of privilege and irresponsibility, whose excesses and inequities spawned the unrest and the violence that threatened the political order. Are we then to take a momentous step in order that things should remain the same?

Our martial discipline then would have been a futile experiment, nothing more than a device for perpetuating a society which, in its injustice and unresponsiveness to the needs of the greater number, had lost the right to exist. It was, moreover, a society that was the perfect target for dissident agitation and activity, a society that was fertile ground for revolutionary enterprise.

I contended in the book, *Today's Revolution: Democracy*, that the revolution is here, and it is but a question of deciding whether we shall be overwhelmed by it or we wrest it from the totalitarian subversives and direct it towards democratic ends.

Revolution, then, is an issue that we cannot temporize with.

\* My proclamation of martial law had to take this fact into complete account. This is the reason I seemed to have hesitated several days before giving the orders for the execution of Proclamation 1081.

The Proclamation was immediately necessitated by a clear and present danger. Beyond this, however, was the imperious demand for revolutionary change. And this meant, particularly for me, and for those who have followed my orders, a much more enormous responsibility than restoring public order and purging the government of undesirables by punitive, though constitutional, means. That enormous responsibility, one that could not be shirked, was laying the foundations for an entirely new society. The transformation, no less, of Philippine society.

\*Martial law necessarily creates a command society. But a new society cannot emerge out of sheer command alone. In the first place, martial law is a temporary constitutional expedient of safeguarding the republic; at most, it is a necessary transition, in our specific case, between the old and the new society.

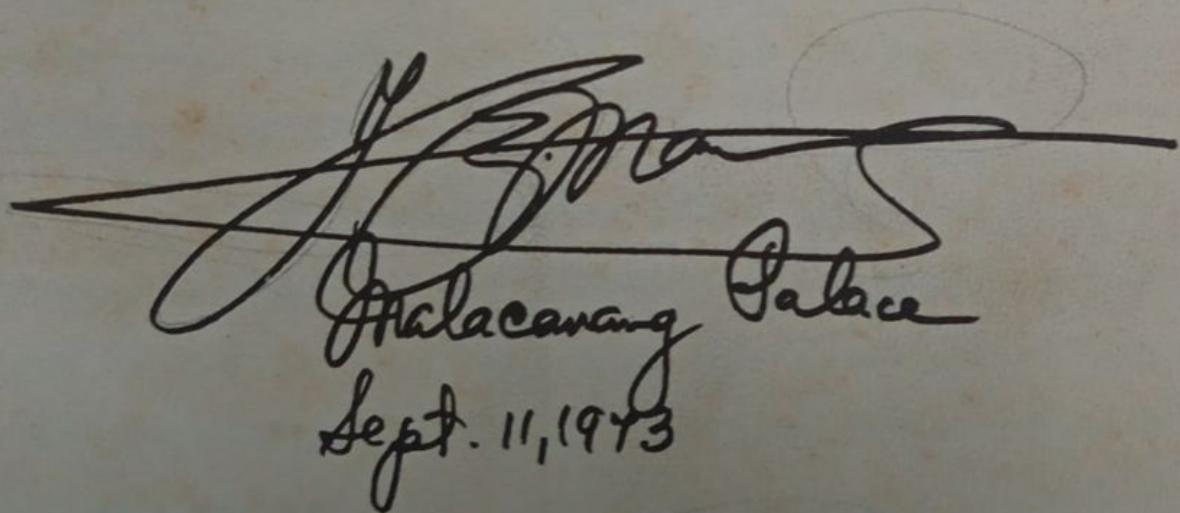
I will continue to depend on our military establishment — our nation will rely on it — as the sentinel of our political sovereignty. But in an important sense, the military has to take on a revolutionary role, for the specific purpose of preventing a bloody Jacobin revolution. This is the source of the exemplary and noble performance of our armed forces.

\*Thus martial law in the Philippines takes on a unique character: from the untenable strategy of protecting or restoring the status quo to a militant, constitutional, and legal strategy for creating and building, from the ashes of the old, a new society.

*Today's Revolution: Democracy* has been called a "blueprint" for the New Society. But it raised specific questions which find some of their answers here. All the same, I find this enterprise incomplete in some respects, not because I have an incomplete vision of the New Society but because the task of capturing it on paper — as it were, a necessary task of leadership — had to be undertaken in the midst of urgent affairs of state. As with the nation, so with the Presidency: the race is against time.

I could not, however, have put off bringing out these "notes." Our people need to know as much as they can about the events which led to the declaration of martial law; the meaning of our present circumstances, and their significance for our future.

It is, after all, *their* destiny. And a leader cannot shirk his duty of explaining, elucidating, and educating, whenever he can.

  
Ferdinand Marcos  
Malacanang Palace  
Sept. 11, 1973



## CHAPTER I

### *The Hour of Decision*

I did not become President to preside over the death of the Philippine Republic.

This much was my resolution when the last word of *Today's Revolution: Democracy* was written on 7 September 1971; at the time I had already suspended the privilege of the writ of *habeas corpus* in some parts of the country; one year and fourteen days later, I signed the proclamation placing the entire Philippines under Martial Law.

The sequence of events might very well suggest to the precocious reader that I had been deliberating over the Martial Law decision for over a year. There is an element of truth in this. But until the evening of Sunday, 17 September 1972, I continued to hope that we could proceed towards change and reform and realize in modest measure a democratic revolution, without having to accept the martial necessity.

On that long night, I sat alone in the private study of Mala-  
cañang, contemplating one document that stood out from among  
the mass of documents on my desk. This was an extraordinary  
document because it was spurious and in earlier, less troubled  
times, should be easily dismissed as a cheap and ludicrous polit-  
ical stunt. But within the context of the national condition and  
taken together with other documents, it revealed to me the real-  
ity and the scope of the danger to the Republic of the Philippines.

The spurious document was *meant* to be a true copy of a  
“plot” recommended to me by two fine and dedicated generals,  
Fidel Ramos, Chief of the Philippine Constabulary and Fabian  
Ver, Chief of the Presidential Security Unit and the Presidential  
Guard Battalion. The plot was for the “military to stage a series  
of bombings, kidnappings and assassinations ‘to sow violence and  
terror in order to lay the groundwork for the imposition of  
Martial Law.’ ”

As a “true copy,” the document did not have to carry the  
familiar signatures of the two generals; for the purpose of pro-  
paganda, it was sufficient that their names were mentioned. In  
any case, this “technicality” would not inhibit the news media  
from exploiting it the next day. It was clear that the purpose  
was to portray me, the President of the Republic, as plotting,  
with the assistance of the military, against the very government  
and country I was sworn to serve; in the eyes of the people, I  
would be a conspirator and a traitor.

I was, of course, indignant, and my impulse was to call in  
my press secretary to have him give a serious warning to the

news media that this time my detractors had gone too far... But my instincts told me not to act out of passion or anger. It then occurred to me that the real intention of the spurious document was indeed to provoke me into calling the news media, so that it would be a *fact* that I had called them up regarding the document. The story would even be more sensational, since a quick angry reaction would create the impression that I was suppressing *what might well be genuine*. This realization incensed me even more, but what was now important to me was to understand the motive or motives behind it all.

I was not unaware of the determined hate-campaign against me in the news media of the time. More than any President I had suffered the most abuse in the hands of my opposition, my critics, my enemies, and all shades of commentators. But many times, as a politician, I was inclined to take all the accusations, however vicious and irresponsible, as a sad, if necessary, part of democratic politics in our country. It seemed to me that so long as I could answer the charges, whenever necessary, the facts, if not the truth, would emerge. I also knew that it was becoming increasingly difficult to present the Government's side, for the news media, especially the commentators, were beginning to act as an opposition rather than as a responsible observer of men and public events.

All the same, I had to find out why the propaganda against me, my family, and my administration had sunk to the lowest level of portraying me as a conspirator and a traitor. It was evidently extremist, but for what reason? I knew, in the first

place, that the political opposition was confident about the national elections, which were merely fourteen months away. I recalled that in my own campaign in 1965, my strategy was merely to exploit the issues already current against the incumbent administration without having to fabricate new ones, and certainly not propagating anything so vicious as branding the President and high ranking members of the military establishment as conspirators and traitors.

I have never spared myself in dealing with critical matters. In this instance, I squarely faced the possibility that my enemies did not merely desire my political downfall: they wished me dead by an assassin's bullet.

Now, if this were simply the purpose, this was a personal problem and not an affair of state. As a matter of fact, I had earlier steeled and somewhat secured myself against this possibility. When I first heard of an elaborate assassination plot against me, I demeaned myself without, as much as possible, demeaning the Presidency, by paying a visit to one of the leading oligarchs, at his lair in his seaside residence. My purpose was to upset the plot's timetable by a gesture of reconciliation which distressed my friends and supporters and disillusioned a great number of our people. Still, I took this calculated risk in order to protect the integrity of the Presidency. The assassination of one President could very well lead to the assassination of the next and so on. This was one "first" that I was willing to forego.

The assassination, then, was not the new element in the spurious document. There was another possibility: that of a

forced resignation in view of the "fact" that I was conspiring against my own government! It will be recalled that by this time bombing incidents and assassinations of town officials had already occurred. The seeming impotence of government against these outbursts of terror and violence was now going to be presented as proof of government instigation. Given a little more time and sustained propaganda, the people might be manipulated into believing that this, indeed, was the truth. Thus, my forced resignation could be accomplished through mass demonstrations that would precipitate a *coup d'etat* undertaken by certain political leaders and elements in the military establishment. There was no other way: this was the new, disturbing element introduced by the fabricated document.

If the entire attack had been mounted against me personally, it was curious, in my judgment, that my detractors would discredit two generals and thus, by implication, the military. The evident intention, therefore, was to destroy every shred of confidence in the government and the Armed Forces. An immediate result would be the division of the government and the Armed Forces into two opposing camps. The consequence would be a *coup d'etat* and an incipient civil war, with my forced resignation or assassination as the extraordinary occurrence mentioned in the July-August Plan of the new Communist Party of the Philippines.

I had to arrive at this conclusion because if the intention were to destroy me alone, the spurious document should have carried a forged signature of mine *directing* the two generals,

Ramos and Ver, to conduct a reign of terror so that I could impose Martial Law. However, the fabricators chose to make the two generals the proponents of the plot, which, indeed, suggested that they wanted to undermine popular confidence in the discipline, dedication and wholeness of the military establishment.

On that long night of Sunday, 17 September 1972, I pored over every document on my desk, scrutinized every evaluation of raw and refined data, classified as well as unclassified bit of information, and discerned little by little the anatomy of a plot against the Government of the Philippines.

### **The Martial Necessity**

In the complacency and arrogance of the past, our political elite had reduced the annual testimony of the defense establishment before the Philippine Congress into a comic opera. The media elite, on the other hand, had their so-called "budgetary Huks," or Huks concocted for the purpose of increasing the Department of National Defense budget. But it had always been a source of scandal for me that the very Congress which expended the people's money in indiscriminate investigations of 'subversives' in various organizations was the very same Congress which exposed the military to ridicule whenever the latter testified about the state of rebellion in the country.

The fact is that there has been a continuing state of rebellion in the Philippines since the birth of the Republic. I do not have to cite the testimony of ranking members of the Armed Forces of the Philippines nor of the intelligence community to support this statement. There is the decision of the Supreme

Court promulgated on December 11, 1971, in the case of *Lansang et al vs. Garcia* etc., a decision arrived at cautiously by men of prudence and wisdom.

That the strength and intensity of activities of the Communist movement rose and fell according to the strategy of world communism and the local circumstances need not blind us to the fact that it has been and remains a continuing threat to the well-being of the Republic. Any President before me could have confronted the martial necessity, as, in fact, Elpidio Quirino did in suspending the privilege of the writ of *habeas corpus* in 1950. But the political assumption was that the armed forces could contain the armed communists while the entire society remained what it was: a fertile ground for the sowing of subversive and rebellious ideas and intentions.

To be sure, the perception of the armed forces about the state of rebellion was more acute than that of the civilian authority; the reason for this is obvious: it was the armed forces which offered their lives in the fight against the insurgents. In return, their leaders and officers had to face the annual comic ceremony before the Congress.

That the military had made mistakes in the subtle war against the insurgents cannot be denied; or that in certain instances their members abused their authority, which prompted reforms. But it is true nevertheless that the effectiveness of the armed forces was affected by the seeming lack of support given them by the civil authorities.

Thus, for many years there was a comic war in which earnest blood was shed and serious treasure was expended; while Philippine society continued to be corrupted by privileged wealth and public power, the armed forces had to contend with an enemy which could not be defeated by bullets alone.

Nevertheless, under a deeply ingrained discipline, the military pursued its assigned function of protecting the Republic. Every year, as one of its duties, it prepared its "contingency plan," and during my term, this was OPLAN *Sagittarius*, which was given a sinister implication by the opposition. As a matter of fact, my detractors and enemies derived the logical implications of their spurious document from this "contingency plan." In any case, the armed forces were protecting the government of a society which seemed indifferent to its own salvation.

These were the reasons for our complacency towards our social conditions and our arrogance towards our armed forces. And this, moreover, was the situation which encouraged the subversives, despite their periodic containment, to carry on their work and acquire the revolutionary sophistication that they needed to succeed.

To the communist revolutionary, the road to power is an essentially *vigilant* waiting game. The successful communist revolutionary is a disciplined man who fights while he waits and waits as he fights; his life is a combination of struggle and perseverance; to him, the so-called struggle for liberation is a

persistent nibbling at the rotten framework of society until the final confrontation, the outcome of which has been predicted.

As I saw it, on the night of 17 September 1972, the hour of the communist revolution had come, not because its adherents had increased (which they had) but because the so-called pillars of the society that the revolution would destroy were themselves conspiring to bring it about.

Before me were the reports and documents naming places, dates and occasions of meetings between insurgents and people in high and strategic places, in politics, industry and media; of secret meetings among retired generals; of money used to support student demonstrations of whatever color so long as they were disruptive; of assignations with communist leaders in Metropolitan Manila; of foreign nationals engaged for the dastardly work of assassination; of high-powered arms smuggled into our shores.

Taken at their face value, these documents told different and unrelated stories. One was that the insurgents had certain well-placed friends and supporters; another was that an unscrupulous band was smuggling high-powered arms; still another was that demonstrations were being used for political purposes; and, of course, that a group was plotting my assassination. The people involved in these schemes could have nothing whatsoever to do with one another; they were simply about their businesses, even if these happened to be illegal.

But with the spurious document before me, I could not dismiss the thought that they were all somehow related, and that if I reached out for more informations, called for more consultations among my various friends and advisers in the military, the judiciary, the political and economic fields, I could identify the suspicion that was nagging me.

I made several phone calls and demanded answers to endless questions. I did not expect anyone to have a clear picture, but the vague patterns I obtained from several sources crystallized in the commanding heights of the Presidency, the one office in any country which has the available resources for a unified view.

I wanted to know, first of all, why a group of otherwise responsible men would plot the assassination of their President. Mere hatred was not enough; revenge was too obvious: it could only be for profit or gain. What was to be gained? Power would seem to me the most seductive motivation. But what would be the immediate consequence? So that the Vice-President of the Philippines would succeed me? For some reason, I could not go along with this explanation. For a powerful group, apart from the communists, to profit from my assassination, the plan must go beyond my death, which was secondary, a mere occasion. An occasion for what? The *capture* of government.

It could not have escaped the plotters that my assassination would be avenged. They must be well aware of this consequence and should be prepared for it. This could only mean,

therefore, that the plotters were fully prepared for the violence that would be provoked by my death.

This was the only possible logical explanation why reactionaries and radicals, rightists and leftists, could ever get together, with, of course, their own plans for dealing with the situation. The reactionaries needed the radicals to harass the government with their demonstrations in the cities and their armed comrades' terroristic sorties in the countryside. The growing confidence and boldness of the communist revolutionaries and their front organizations was reflected in the military encounters with the New People's Army in several provinces, the space and time devoted to the communists' littlest pronouncements in the news media, the blatant cries of "revolution" in the streets of Manila and in the corridors of our universities, and the public courtship of them by our highest officials. Far from being concerned with the state of social order, the political and economic elite involved in politics cried for reforms which could not be achieved because of their obstruction and opposition. They publicly cried for reforms while they privately opposed them, thus, contributing to the general frustration and the continuing advance of the rebellion.

And yet the rightists and reactionaries were not organizing for suicide; they were not offering their necks to the communist hangman. What they wanted, it became starkly clear, was to blame the anarchy and disorder on the President, have him forcibly deposed and assassinated, and in the ensuing confusion, get their supporters in the military establishment to as-

sist in a *coup d'etat* and in one swift stroke risk a bloodbath for the imposition of their own, illegitimate martial law. But who was to object to this? No one would make an outcry over a martial law that *had* to be imposed in order to stop the bloodshed. Has there been any outraged cry over the martial law of Indonesia? The simple reason is that after so much bloodshed, the most ruthless order would be desirable.

But how about the communist revolutionaries? Were they blind pawns to the reactionary game? It could not have been unknown to them that man for man, weapon for weapon, they were inferior to their reactionary allies, and that, in the end, these would turn against them.

Be that as it may, the communists themselves had no illusions about the good faith of their temporary allies. But they were relying on the chaos and the inevitable suppressive measures to advance their thesis that the leadership was fascist and thus, undeserving of popular support. Theory and experience have taught them that a rightist coup would be the dying gasps of a semi-colonial, semi-feudal, reactionary society. And if the reactionary right were willing to help them out, this was acceptable to the communists, who believe in Lenin's dictum of giving the class enemies "enough rope with which to hang themselves."

Both the reactionary right and the radical left found a common focal point and symbol for their plans: Ferdinand E. Marcos. By concentrating on the singular person of the President, the conspirators, on the one hand, and the revolutionaries,

on the other, were able to concretize for their propaganda purposes the complexities of social unrest and the justification of their aims. This is a standard technique of propaganda warfare: the creation of a scapegoat, the sacrificial lamb.

On the basis alone of the communist insurgency, I could have proclaimed martial law earlier.

The Supreme Court of the Philippines, in its decision already referred to, dated December 11, 1971 in the case of *Lansang, et al. vs. Garcia*, etc. G. R. No. L-33964 in which the question of the constitutionality of my proclamation suspending the privilege of the writ of *habeas corpus* was at issue, traced the history of this rebellion thus:

“As regards the first condition, our jurisprudence (*People vs. Evangelista*, 57 Phil. 375; *People vs. Evangelista, et al.* 57 Phil. 354; *People vs. Capadocia*, 57 Phil. 364; *People vs. Feleo*, 57 Phil. 451; *People vs. Nabong*, 57 Phil. 455) attests abundantly to the Communist activities in the Philippines, especially in Manila, from the late twenties to the early thirties, then aimed principally at incitement to sedition or rebellion, as the immediate objective. Upon the establishment of the Commonwealth of the Philippines, the movement seemed to have waned notably; but the outbreak of World War II in the Pacific and the miseries, the devastation and havoc, and the proliferation of unlicensed firearms concomitant with the military occupation of the Philippines and its subsequent liberation, brought about, in the late forties, a resurgence of the Communist threat, with such vigor

as to be able to organize and operate in Central Luzon an army called HUKBALAHAP, during the occupation, and renamed Hukbong Mapagpalaya ng Bayan (HMB) after liberation—which clashed several times with the armed forces of the Republic. This prompted then President Quirino to issue Proclamation No. 210, dated October 22, 1950, suspending the privilege of the writ of *habeas corpus*, the validity of which was upheld in *Montenegro vs. Castaneda*. (91 Phil. 882. *See also, Nava vs. Gatmaitan, Hernandez vs. Montesa, and Angeles vs. Abaya*, 90 Phil., 172.) Days before the promulgation of said Proclamation, or on October 18, 1950, members of the Communist Politburo in the Philippines were apprehended in Manila. Subsequently accused and convicted of the crime of rebellion, they served their respective sentences. (*People vs. Nava*, L-4907, June 29, 1963; *In re Jesus Lava vs. Gonzales*, L-23048, July 31, 1964; *People vs. Nava*, L-5796, August 29, 1966; *People vs. Lava*, L-4974, May 16, 1969.)

"The fifties saw a comparative lull in Communist activities, insofar as peace and order were concerned. Still, on June 20, 1957, Rep. Act No. 1700, otherwise known as the Anti-Subversion Act, was approved, upon the ground stated in the very preamble of said statute—that

' . . . the Communist Party of the Philippines, although purportedly a political party, is in fact an organized conspiracy to overthrow the government of the Republic of the Philippines, not only by force and vio-

lence but also by deceit, subversion and other illegal means, for the purpose of establishing in the Philippines a totalitarian regime subject to alien domination and control;

‘...the continued existence and activities of the Communist Party of the Philippines constitutes a *clear, present and grave* danger to the security of the Philippines (Emphasis ours); and

‘...in the face of the organized, systematic and persistent subversion, national in scope but international in direction, posed by the Communist Party of the Philippines and its activities, there is urgent need for special legislation to cope with this continuing menace to the freedom and security of the country...’

“In the language of the Report on Central Luzon, submitted on September 4, 1971, by the Senate Ad Hoc Committee of Seven—copy of which Report was filed in these cases by the petitioners herein—

“The years following 1963 saw the successive emergence in the country of several mass organizations, notably the Lapiang Manggagawa (now the Socialist Party of the Philippines) among the workers; the Malayang Samahan ng Mga Magsasaka (MASAKA) among the peasantry; the Kabataang Makabayan (KM) among the youth/students; and the Movement for the Advancement of Nationalism (MAN) among the intellectuals/professionals. The PKP has exerted

all-out effort to infiltrate, influence and utilize these organizations in promoting its radical brand of nationalism. (See Page 22 thereof.)'

"Meanwhile, the Communist leaders in the Philippines had been split into two (2) groups, one of which—composed mainly of young radicals, constituting the Maoist-faction—reorganized the Communist Party of the Philippines early in 1969 and established a New People's Army. This faction adheres to the Maoist concept of the 'Protracted People's War' or 'War of National Liberation.' Its 'Programme for a People's Democratic Revolution' states, *inter alia*:

"The Communist Party of the Philippines is determined to implement its general programme for a people's democratic revolution. All Filipino communists are ready to sacrifice their lives for the worthy cause of achieving the new type of democracy, of building a new Philippines that is genuinely and completely independent, democratic, united, just and prosperous.

"The central task of any revolutionary movement is to seize political power. *The Communist Party of the Philippines assumes this task at a time that both the international and national situations are favorable to taking the road of armed revolution. . . .*' (Emphasis supplied.)

"In the year 1969, the NPA had—according to the records of the Department of National Defense—conducted

raids, resorted to kidnappings and taken part in other violent incidents numbering over 230, in which it inflicted 404 casualties, and, in turn, suffered 243 losses. In 1970, its record of violent incidents was about the same, but the NPA casualties more than doubled.

"At any rate, two (2) facts are undeniable: (a) all Communists, whether they belong to the traditional group or to the Maoist-faction, believe that force and violence are indispensable to the attainment of their main and ultimate objective, and in accordance with such belief, although they may disagree on the means to be used at a given time and in a particular place; and (b) there is a New People's Army, *other*, of course, than the armed forces of the Republic, and antagonistic thereto. Such New People's Army is *per se* proof of the existence of a rebellion, especially considering that its establishment was announced publicly by the reorganized CPP. Such announcement is in the nature of a public challenge to the duly constituted authorities and may be likened to a declaration of war, sufficient to establish a war status or a condition of belligerency, even before the actual commencement of hostilities.

"We entertain, therefore, no doubts about the existence of a sizeable group of men who have publicly risen in arms to overthrow the government and have thus been and still are engaged in rebellion against the Government of the Philippines."

Still, I was inclined to evade the martial necessity despite the growing cogency of the military estimate of the national condition. I reasoned out that with the imaginative manipulation of the suspension of the privilege of the writ of *habeas corpus* and the continuing sophistication of the armed forces in the art of counter-insurgency, the Republic could exist, as it had long existed, with a more or less controlled state of rebellion. I was somewhat under the influence of the liberal view that a certain dose of subversion in society was a spur to social reform. But this pre-supposed an agreement on fundamentals on the part of the ruling cliques in society.

But with the rapacity of the reactionary right, which itself would promote and welcome disorder to realize its ends, this liberal approach to rebellion appeared imprudent. In the past, despite the reactionary nature of the oligarchy, the news media and other public forums repudiated violence as a means of achieving narrow political ends. It was for this reason that the Republic could exist with a more or less contained state of rebellion.

On January 7, 1972, upon the advice of both military and civil government officials, I lifted the suspension of the privilege of the writ of *habeas corpus*. As had been predicted by those who opposed this move this marked the escalation of the efforts of both the leftists and the rightists, as well as the Muslim secessionists, to employ violence, terrorism and subversion against the Republic of the Philippines.

We had succeeded in penetrating the secessionist bands of the Muslims in Mindanao and we received confirmation of the

intelligence report that intensive training was being undertaken for a possible large scale offensive against military installations and personnel in Mindanao and Sulu as early as 1971. We also received disturbing reports, later on confirmed, that firearms in large quantity were being shipped into the country through the southern backdoor from foreign sources.

Kidnappings and robberies became common not only in Manila but also in other centers of population in the country. In the City of Manila the watermains of the potable water distribution system were bombed and destroyed, cutting off the water supply in several instances. Power became the favorite target of saboteurs. Explosives were their favorite weapons. Crowded areas began to be bombed, resulting in casualties among innocent bystanders. Even the City Hall of Manila was not free from such attacks.

The communication system was occasionally paralyzed. Bank robberies and kidnappings were so intensified that many of the well-known families first shipped out their children, then later on followed in precipitous flight from the Philippines to foreign lands for security. In many instances investments and property were sold at a loss.

Anarchy had taken over from the local police as well as the constabulary who were prevented from undertaking any initiative by both political interference as well as corruption.

The plans of the Maoist communists were formalized in what is referred to in intelligence reports as the "Tarinising documents." These are documents that were captured by the mili-

tary from a Maoist field headquarters at Cordon, Isabela in the northeastern part of the Island of Luzon. It outlined the plans of the Communist Party and the New People's Army to concentrate not just the usual type of violence but assassination, terrorism and kidnapping in the City of Manila, preparatory to a general program for bringing about what Communists have always referred to as a "revolutionary situation."

The government had also penetrated the group of former officers of the Armed Forces of the Philippines who were conspiring to mount a *coup d'etat* and take over political power after the liquidation of the President.

The diary of one of the conspirators, a ranking colonel in the reserve force, had been taken into custody and it revealed the details of the plan including the identities of persons in and out of government and the Armed Forces of the Philippines who were co-principals in this plot.

Several documents from our foreign informants came into the hands of the intelligence authorities which confirmed the dangerous nature of the Muslim secessionist movement and its infiltration by the Maoist elements.

This was further strengthened by reports of datus of hill tribes in the mountains of northern, eastern and central Mindanao, who reported a seven-month seminar and training being conducted by subversives in Mindanao.

At about the same time, after the departure of one of our state visitors, President Suharto of Indonesia, a serious

assassination plot against me was confirmed with the penetration of the participants to the conspiracy.

The sophistication of weapons utilized, the entry of foreign explosives experts and criminal elements (American and British) demanded the closest scrutiny and surveillance of this group.

After the capture of the "Tarinsing documents," as already referred to, the floods of July and August which inundated almost all of Central Luzon, including Manila, compelled me to proclaim a state of emergency, as several hundred casualties were immediately reported. The destruction of the road system, the levees, dikes of the rivers and flood control system throughout the big plains with an area of about 200 kilometers by 100 kilometers, shifted our attention to the immediate and urgent requirement of survival and rescue. It directed my immediate departure and stay in the field for several months.

On or about July 4 occurred what is now referred to in government reports as the Digoyo incident which was the landing by the MV/Karagatan, a ship that had come from overseas, of about 3,500 firearms of the M-14 variety with corresponding ammunition, as well as medical and radio or electronics supplies in the sitio of Digoyo, eastern side of the Province of Isabela, facing the Pacific Ocean, in the Municipality of Palanan. Its discovery before the firearms, ammunition and other equipment could be brought inland and cached or distributed among the subversives, resulted in military operations that ended with the capture of about 900 of the rifles, some rockets and rocket

launchers, as well as radio equipment, and the destruction of some of the camps of the subversives in the jungles of the Sierra Madre in Isabela Province.

However, the reports were confirmed that there had been successive landings south and north of this area before the Digoyo incident. Inasmuch as the captured enemy personnel had confessed that the firearms, ammo and other military supplies came from foreign sources, it became apparent that the subversives were no longer depending on the domestic sources of supply alone but on foreign suppliers as well. This posed a much greater danger to the Republic.

While I was out in the field attending to the emergency created by the floods of Central Luzon, the Secretary of National Defense, Juan Ponce Enrile, reported to me that the leaders of the Communist Party of the Philippines had met with a leader of the opposition political party (Liberal Party) and had taken up at the meeting "a possible 'link-up' between the Communist Party of the Philippines and the Liberal Party in terms of funding, propaganda, political action, influencing and utilizing government instrumentalities including the armed forces, and 'elimination of opposition'" as well as the unity of action between the two groups against any action the President may take "against those engaged in rebellion against the Republic."

(The various overt acts which brought about the state of despair and hopelessness that had immobilized not only government but the entire civilian population, leaving the countryside and

even the centers of population like Manila open to the activities of the subversives, as well as a situation where the Communist Party of the Philippines through its spokesmen in the media—quoted like spokesmen of heads of state—was contemptuously proclaiming the impending take-over of the Republic by the Communists, are found in Proclamation No. 1081, included in the appendices.)

I rushed back to Manila obsessed with one thought and that was the need to unite the people of the Philippines against the common enemy, the subversives, especially those who proclaimed themselves to be Maoist Communists. For this purpose I again went through the humiliating exercise of seeking to propitiate some of the oligarchs, visiting them in their lairs, breaking bread with them and temporizing on their demands for special favors from the Government, hoping thereby to delay their fatal decision to frankly and openly place their resources at the disposal of the rebellion.

As I was flying by helicopter from the floods of Central Luzon, I was burdened by the thought of an impending famine because of the destruction of the crops in the area of the floods which is often referred to as the granary of the Philippines. I had been notified of the warning from other countries predicting a world shortage in staples like rice, corn and wheat. Shortages in rice had often caused popular disturbances in Asia as shortages in bread had in other parts of the world. The ensuing riots and disorders had often unseated governments.

My fears were to be later confirmed as after the floods there was a longer period of drought which prevented replanting of the

former flooded areas followed by an infestation of *tungro* (a disease that attacks rice plants in Asia).

And as I arrived in Manila, reviewed all the intelligence reports and they were mostly alarming. One report indicated that our village self-defense units popularly known as the barrio self-defense units had been infiltrated by subversives. Even some communication lines of government were being utilized by rebels.

The contingency plan adopted by my administration to meet the possibility of internal threats was known by the code name OPLAN *Sagittarius*. While we had taken the usual security precaution of setting up several dummy plans with this code name to identify possible security risks and leaks in our organization, it was disturbing to note that one of the dummy plans had come into the possession of the leaders of the political opposition party and was publicly discussed in the halls of Congress.

The most disconcerting report, however, came from both the Secretary of National Defense and the Chief of Staff. They personally met me and reported that the operations of the Armed Forces of the Philippines and of National Defense authorities were immobilized by a succession of events which had cornered them into promising that the Armed Forces of the Philippines would not move against the subversives without the approval of the members of the opposition party who were also members of the highest security body in the Republic, the National Security Council.

By adroit maneuvering of both the political opposition in Congress as well as the media, which by now was hysterically anti-government, the Secretary of National Defense had been compelled to call the Executive Committee of the National Security Council to a meeting in which the leading members of the political opposition party (the Liberal Party) were present and at which the Chief of Staff had to reveal the entire scheme, concept and operations of OPLAN *Sagittarius*, the government contingency plan against rebellion. It was on this occasion that the opposition party leaders managed to immobilize the National Security Council, as I have explained.

So while the men who were actively supporting, aiding and abetting the rebellion were drawing out all the secrets of government which included possible counteraction against rebellion, the Republic was now rendered almost impotent to take any action against its enemies, who incessantly plotted treason.

I called upon the political opposition party (the Liberal Party) for a common stand against the Communist violent rebellion and subversion and offered them the possibility of a bipartisan political leadership in Government.

My efforts were contemptuously rejected.

I was left without any other alternative but to move along in the exercise of presidential power with the counsel of my conscience. So in the *Foreword*, I say, "While I accept sole and complete responsibility for my decision, I cannot escape the sense that events, the thrust of history, and even the will of the people, somehow guided my hand to the deed."

In *Today's Revolution: Democracy* written in 1971, I stated in pages: XXI-XXII of the addendum:

"As I suggested before, we succeeded in 1970 in infiltrating the ranks of the communist party, the New People's Army and the front organizations. Our sources of information are, therefore, highly dependable.

"For the past several years I have been studying the histories of countries that have been subverted or overwhelmed by various forms of conspiracies. This included the case histories of the mainland of China, Malaysia, Indonesia, Laos, Cambodia, Vietnam, the African states, Latin America and most recently Jordan. Even the histories of the Nazi take-

over in Germany and the French collapse before the second World War were studied. This study taught one

clear lesson and this was that a government, especially of developing states, can tolerate subversion of internal conspiracies for power up to a certain point. When such a point is reached, the illness of subversion or dissension becomes so widespread it paralyzes the will not only of the people but also of the political leadership. It immobilizes even the most normal faculties and facilities of defense and protection of the state.

"The secret of national survival is to mark this point of no return very well and for the political leadership to resolve that this point of deterioration should never be reached.

“This I had done as early as 1969 when I watched the  
growth of subversion in our country.”

So, on the long night of Sunday, September 17, 1972, it  
became quite clear to me that the rightist conspiracy and the  
communist rebellion had almost succeeded in rendering the gov-  
ernment impotent to meet any crisis, that in fact this unholy  
combination, if given just the shortest time, would pronounce  
the death sentence on the Republic.

At the end of that September vigil, during which I exhausted  
all the possibilities in my mind, I found my duty—and the  
responsibility for the nation’s destiny—forced on me by historical  
circumstances.

There were, to be sure, other options before me, including  
one which appeared thoroughgoing and hence seemingly more  
appropriate to the critical situation I have already described.

This option, the most tempting one, was the establishment  
of a revolutionary government. This would have been swift,  
direct and unremitting, a bold solution to the problems that had  
dragged the country down to violent disorder. But a revolution-  
ary government would have led to unrestrained bloodshed.

The solution I wanted was one that would also fulfill a need  
I clearly saw to be a vital part of the entire problem, the need  
to establish a code of conduct for all the military, the civil  
government, and the citizenry.

No matter how I turned the question and the answers around in my mind, one idea persisted, which I had to accept as the impeccable truth. Adherence to the Constitution was indispensable. I knew that we had to go beyond the simple need of restoring order, to meet the other and even more important imperative of reforming society. Any reform, however, would be hollow and short-lived if it did not both challenge and satisfy the moral consciousness of our people. I felt that the time had come to prove that reform, even radical reform, could and must be attained under the Constitution; and that bloodshed was unnecessary and even prejudicial to our objectives in seeking to establish a New and Compassionate Society.

As will be further explored by the book in the process of writing, "The Constitution and Martial Law," the Philippine experiment is novel in the sense that it seeks a constitutional means of bringing about revolutionary reforms and without the violence and bloodshed attendant to those revolutionary convulsions familiar in man's long history of seeking progress and changes in his society.

This is the thrust of the original first book, "*Today's Revolution—Democracy.*"

Man has always brought about change by bloodshed.

What we seek to initiate is change without bloodshed.

This sounds simplistic and quite easy to accomplish and yet the sad history of mankind disproves this.

But we must formulate our own contribution to civilization and man's claim to a noble destiny. Formulate it and power it with our own experience.

This would not only be to our profit but from this venture we could provide mankind some guide or mechanism for the transformation of other societies equally burdened or corrupted by unjust social and economic or political systems.

For me, no less than for our people, the hour of decision had finally come.



## CHAPTER II

guttiwach ciruonoc bua hisos ,collanionish bua enteb  
gut yadi patroga laisaitata naik don now noilleden bua ydatu  
sdt no bequete bua oonkagte quibyo sdt ni becamurion  
-losbi bua enoillover to yhisa a as add onqilif yore to buan  
sdt ekam awo yadu sdt ac now bido start laisiam pwoiq awig  
bua bua eekimpui hisos ad eekak yuosa oodnqad enqilif

### *The September 21 Movement*

100

wal laisiam li eentek laisiam li redmiged sdt eash  
li li noitsa sdt bua elgoaq li offened yuad yas fo ad of a  
s aekimpui wal laisiam jas enqilif decision launched what I  
have since privately called "the September 21 Movement," to  
mark the date I enforced Proclamation 1081. The name also  
confers distinction upon the groups whose wise and objective  
counsel was most valuable in the study and the execution of the  
proclamation; I cannot divulge their identities and composition,  
for their members should not share the burden of a responsibility  
that is mine and mine alone. Many of them would have had to  
obey my lawful orders anyway, but at the time, I wanted not  
simple obedience but a commitment to, and a full understanding  
of, the imperatives of national survival.

There is another reason for the appellation, and this was the  
realization that the decision to impose martial law entailed much  
more than saving the Philippine Republic by restoring peace and  
order through military means. Everyone recognized the legal  
basis for martial law; this was the simplest thing of all. National

decline and demoralization, social and economic deterioration, anarchy and rebellion were not just statistical reports: they were documented in the ordinary experience and stamped on the mind of every Filipino. But, as a study of revolutions and ideologies proves, martial rule *could not, in the long run*, make the Philippine Republic secure unless the social inequities and old habits which precipitated the military necessity were stamped out.

\* Hence the *September 21 Movement*. Because if martial law is to be of any lasting benefit to the people and the nation, if it is to justify the national discipline that martial law requires, a government must lead a movement for drastic and substantial reforms in all spheres of national life. Save the Republic, yes, but to keep it safe, we have to start a massive effort, an intense, organized undertaking to remake society.

\* Inevitably, there was excitement over the thought of a new beginning. But there was wistfulness, too, for could not the old sick society have cured itself without the extraordinary, seemingly painful step it was now being called to take? Unfortunately, the answer was no. The old society was, in the first place, the social and political elite manipulating what I called, in *Today's Revolution: Democracy*, a precarious democracy of patronage, privilege, and personal aggrandizement. Now our democracy was not even precarious any longer; it was besieged, on the brink of ruin, and it did not alleviate the sense of doom to realize that the seeds of its inevitable destruction had been planted by the

very elite which flourished in it. The old society *had* to go; it was no longer workable and could not be made workable ever again. Meanwhile, this very same society's affliction was devouring the state itself, and if the political authority did not act and exercise its emergency powers, the death of that society would come about in a fratricidal clash of arms, a bloody social revolution.

I recalled my own summation of Philippine democracy, that it existed in a political culture which was populist, personalist and individualist in orientation; it was my belief then that "thus far, this culture has worked very well in its influence on political society. But there is no assurance that this will always be the case because of the modernizing—revolutionary—elements in a society which must, as a matter of course, revolutionize itself as an imperative of national development. The problem, therefore, is how the political culture may be modified, so that the revolutionizing elements can be absorbed into the democratic system, thus achieving not only what is good in itself but also preventing the kind of revolution that is destructive of human freedom." (See Chapter 5, *Today's Revolution: Democracy*.)

But on September 21, 1972, it had become clear that the political culture needed alteration rather than mere modification, and that the remaking of society was an imperative not just of national development but of national survival. As for the kind of revolution that is destructive of human freedom, it could no longer be stayed without the use of extraordinary powers.

The Philippine Republic had been in a state of siege before, but it was always able to count on a constitutional opposition, which fiscalized the party in power and replaced it through free, periodic and popular elections. This is to say that the methods of the political opposition were always within constitutional bounds and as such fulfilled an important pre-requisite of a democratic society. It is not necessary, contrary to the insistent demand of critics, that for the survival of democratic processes political parties should be distinguishable from each other; what is essential is that their methods of winning public power are constitutional.

But with the Seventies, political opposition resorted more and more to unconstitutional methods, mainly through the machinations of political leaders and their oligarch-friends, who provided funds for radical demonstrations; built up private armies and amassed high-powered weapons smuggled into the country; and connived, and synchronized their activities, with outright subversives. This made the *end* of winning of public power justifiable by *any* and *all* means, even by threatening the security of the state. *The organization of popular discontent for the purpose of winning an election is democratic, but the sowing of anarchy, social violence and rebellion is not.* The second is not an instrument of constitutional opposition but of subversion.

This repudiation of constitutional opposition, an indispensable element of democracy, forced me to conclude that the dem-

ocratic order had broken down in the Philippines even before we were confronted with the martial necessity; as a matter of fact, the recognition of this necessity was hastened and became more acute because of it. It was now certain that the traditional and openly unconstitutional opposition, the communist revolutionaries, had found common cause with the legitimate opposition, which had now become illegitimate, pursuing its ends *outside* of the democratic political machinery.

This analysis finally identified the seven sources of threats to the Republic: the communist revolutionaries, now divided into the "traditionalists" and the "Maoists"; the rightists with their plans for a *coup d'etat*; the Muslim secessionist movement in Mindanao and Sulu (the two main islands which comprise our "Southern backdoor"); the private armies and the political warlords, who were actually the power brokers in the old society; the criminal elements, which partly promoted and took advantage of the situation; the oligarchs, who sought by all means to maintain the status quo and were possibly allied with the rightist conspirators; and the foreign interventionists, evidence of whose funding was confirmed by the Government through banks in Japan, Hongkong and the United States of America.

The manifestations of the rebellion and subversion by both the leftist and the rightist groups, the secessionist movement in Mindanao and Sulu, the conspiracies for a *coup d'etat* and the assassination attempts as well as other threats to the Republic that necessitated and legally justified the proclamation of

Martial Law, are discussed in detail in two other books under preparation. One is a personal account by the author of his actuations as President, tentatively entitled *Philippine President's Diary*; the second is a book on the law on the question, tentatively entitled *The Constitution and Martial Law*.

The foreign and domestic news media were faithfully reporting the deteriorating conditions in the country, but there was never any attempt to analyze and evaluate them for the general readers. All they would do was to present those conditions and the developments connected with them not as threats to the nation but as alleged failures of my administration. They completely disregarded the historical circumstances, the perspectives and motivations which had given rise to the perils which we now faced. It took the September 21 Movement to discern the pattern of conspiracy and subversion in the Philippines, and thus give shape to, and identify the fear of, law-abiding Filipinos.

We have here a case of weak government and weak people, on the one hand, and power *factions*, on the other, all of which presumed to speak "for the people." Individual elements in the news media acted with various motivations, from downright involvement in the conspiracy to self-aggrandizement, in the form, among others, of "jumping on the bandwagon," that most comfortable means of locomotion among the unprincipled. With these motivations, the news media propagated national disintegration without analyzing its real and profound causes; it was not difficult for them to indulge in the exercise of blaming the

government, whose measures and problems they would not deign to recognize. Faced, therefore, with a war which the factions made much of but which they chose not to acknowledge publicly in its full dimensions, the beleaguered government and besieged Republic could not move forcefully and effectively. The consequence was that the people, who relied on the picture presented to them by the powerful factions which had access to, or control of, the news media, had to live with their undefined fears and insecurities; these, in turn, were ruthlessly exploited for the political objectives of the various unconstitutional oppositions.

Two analogous situations, by *no* means similar in *all* respects, immediately come to mind: the Vietnam and the Indonesian. In the first, the machinations of powerful factions in a still un-reconstituted political society spawned a "united front," precipitating a civil war or a "protracted war" in which the unarmed populace was the battleground; in the second, precipitate action on the part of communist elements provoked assassinations and such bloodshed as to necessitate the complete military take-over of government.

My conviction has always been this: that a revolution, should it become inevitable or necessary, could be undertaken by constitutional, orderly and peaceful means, with the expansion rather than the destruction of human freedom as *the end*.

I had, however, no illusions about the capacity for bloodshed of either the communist revolutionaries or the rightist conspirators. The communists will sacrifice men for a program; the

conspirators, who are in actual fact the fascists, will sacrifice men to self-interest. A fair regard for the expenditure of human lives is the difference that sets a democratic revolution apart; it is dedicated to the axiom that the state exists for man, and not man for the state.

The history of modern revolutions has a singular lesson for us: once whole populations have experienced fratricidal bloodshed, they become docile and submissive to the dictates of the victorious faction. Thus, communist regimes coming to power after a period of bloody revolution are able to command and manipulate a weary people; similarly with fascist regimes. This is *the* reason why weak, parliamentary, or democratic regimes, having once become unable to prevent revolution, are never restored again. Triumphant dictatorships learn from the weakness of democratic regimes and thrive on the consequent popular diffidence over another civil war. The communist commitment to unceasing struggle is too strong for the modest dreams of an unorganized citizenry; while the politically organized self-interest of fascists, if downright repressive, can only be resisted by a communist-led social revolution. In either case, a weak people become nothing more than a pawn in a ruthless, ideologically determined, power game.

Why, then, let us ask ourselves, should we risk our survival, let alone our democratic future, by inaction, on the one hand, and half-measures, on the other? To be indifferent to the lessons of history is a heinous form of treason.

What was crucial, therefore, was a beleaguered democratic government's *will to resist*. The exercise of naked power alone, assuming that this was still possible, would not be enough, in my view, to save the Republic; there would have been a division in government itself, not to mention the military establishment. And the price would be too high for a country to pay. A democratic regime should always act according to its own laws; it is precisely for the sake of these laws that it must act decisively. To put it in another way, a threatened Constitution should provide for itself its own means of survival. Significantly, it should invest the exercise of this *means* in the highest magistrate bound by oath to protect and defend the Constitution. We, in the Philippines, are blessed to have such a Constitution. Thus Article VII, Section 10, Paragraph Two of the 1935 Constitution provides:

“The President shall be Commander-in-Chief of all the ~~x~~ Armed Forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of *Habeas Corpus*, or place the Philippines or any part thereof under Martial Law.”

This provision, clear and comprehensive enough to protect the Constitution and the Republic from their enemies, indis-

putably sanctions the martial necessity without interjecting the supremacy of the military; it continues to uphold the supremacy of the civil over the military authority. Thus, unless it is over crimes against the state, the civil courts continue to exercise jurisdiction over the entire legal system.

The Constitution, therefore, provides for its survival in a clear, orderly and democratic manner; for the instrument used is not only legal but moral in the highest sense. It places the proclamation of martial law under the Rule of Law.

This resolves the eternal moral question of *Ends and Means*. The Constitution, being democratic in spirit and content, does not recognize means which are not *integral* with, or do not logically follow from, its ends, even though that end may be self-preservation itself.

Its enemies, on the other hand, have resorted to *exceptional* means, that of terror and violence.

\*As a constitutional measure, the proclamation of martial law must then take into immediate account the immobilization and dismantling of the unconstitutional opposition: the advocates and perpetrators of rebellion, the conspirators, the separatists, and the various lawless elements, which although not politically motivated, are actually displacing public power. (There is a point in which the scope and frequency of lawlessness becomes *criminal* rebellion, displacing public order with anarchy.) Thus, the apprehension list in the execution of Proclamation 1081 (pro-

claiming martial law in the Philippines) contained the diverse elements in society which individually and collectively, or in combination, constituted a grave and serious danger to the Republic.

But how many countries have such a constitutional and legal mechanism for a "crisis government"? And how can such a mechanism be utilized to bring about a restructuring of society so as to redress the unjust economic and social system it has fallen heir to?

This is the burden of the political leadership.



## CHAPTER III

### *The Rebellion of the Poor*

The immediate judgment on the martial law situation is best summed up in the report submitted to the United States Senate by Majority Leader Mike Mansfield (the report is also known to us as the Valeo Report, having been written by Frank Valeo, US Senate secretary, who made an on-the-spot survey a few months ago after Proclamation 1081):

\*“*Martial law was declared and is being administered at this time on a constitutional basis in the Philippines. The military carries out the orders but it is the President who gives them. In this respect, the principle of civilian supremacy remains in the saddle. Barring the assassination of President Marcos, there is little likelihood of its being unseated.*”

\*The immediate purposes of martial law have been achieved, “in that a violent opposition has been silenced and a measure of order and discipline has been introduced into Philippine

affairs." But this discipline, I must emphasize, is essentially one that was *imposed* and had yet to be tested as an enduring basis of our social life until the plebiscite on the new Constitution of January 10 to 15, 1973 and the referendum on the continuance of martial law as well as the incumbent President in office beyond 1973.

In this connection, the following observation of the Mansfield Report is significant:

"To sum up then, beyond the ostensible objective of restoring law and order, ~~the~~ martial law has paved the way for a reordering of the basic social structure of the Philippines. President Marcos has been prompt and sure-footed in using the power of Presidential decree under martial law for this purpose. He has zeroed in on the areas which have been widely recognized as prime sources of the nation's difficulties—land tenancy, official corruption, tax evasion, and abuse of oligarchic economic power. Clearly he knows the targets. What is not yet certain is how accurate have been his shots. Nevertheless, there is marked public support for his leadership and tangible alternatives have not been forthcoming. That would suggest that he may not be striking far from the mark."

What is even more significant, however, is the Report's reflection of the view of the September 21 Movement, that beyond the immediate purposes of martial law, there are others which "have to do with bringing about fundamental changes in Philip-

pine society." A martial interlude that simply eliminated criminality, crushed rebellion and insurrection, although in themselves formidable tasks could not secure the Republic under the same social base which produced criminality and rebellion.

The fundamental reason for building a new society has to do, in fact, with the outstanding characteristic of our age: the rebellion of the poor. This is a rebellion over which the might of government can have no avail, for the poor are, in many ways, *the people* for which governments exist.

From another perspective, Gunnar Myrdal, the Swedish economist, calls this rebellion the new nationalism\* and regards it, in the manner of most Western economists, as the desire of poor nations for economic development. But there is more to this rebellion which lends to our time its specific character. Quite simply, the rebellion of the poor reverses the traditional situation, in which society sits in judgment of the poor: now the poor sit in judgment of society. The proclamation is that the poor, from this day on, will shape the societies in which they must live.

We are just beginning to realize the full significance of this historic reversal of roles between society and the poor. In every age but ours, the poor were generally resigned to their state, and it was only when intolerably and particularly oppressed that they broke into mass violence. All the same the paradigms of this mass violence were the food riots and land seizures

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\* Gunnar Myrdal. *The Asian Drama*. Myrdal makes an interesting comparison between European nationalism and the new nationalism of the developing countries.

rather than any demand for a new order: they either expended themselves or were presently quelled without altering in any manner the condition of the poor. The great revolutions of mankind, on the other hand, while proclaiming the rights of man and enlisting the support of the masses, were nonetheless revolutions of the *Unpoor*: as Marx showed, they established the dominance of a particular social class. This is not to say that the democratic revolutions of the nineteenth century had a deliberate class bias; it is simply that the ideological emphasis was political and that the advanced revolutionary class of the period was the bourgeoisie. This very condition led Renan to observe that the majesty of the law impartially decreed that both the rich and the poor would be punished for illegally sleeping in the park. This ironic remark is just one among numerous others that date back from the earliest societies: it demonstrates the compassion of societies for their poor. The earnest of this sentiment is society's many charitable or compassionate *acts* for the poor, sharing the wealth, as it were, in every conceivable form and manner. The poor were those creatures whom society or its more fortunate members *had to do something for*. This attitude still persists, but as we shall see, it has been losing its moral force.

"We live in an era in which scientifically, politically and sociologically poverty is an anachronism (writes C.R. Hensman in *Rich Against Poor*, an investigation into the realities of aid). What man can find out about the earth, what he can get, use, build and manufacture is almost without limit. All over the world the poor have decided that poverty and

exploitation are neither inevitable nor tolerable any longer. New forms of human organization for fighting the causes of poverty and living a humanly meaningful existence have been tested successfully. *The persistence of poverty needs then to be explained* (Italics mine). People in the centuries before the nineteenth of the Christian era had their conceptions of Utopia. But they could not have talked (as we can) in a matter-of-fact way about poverty as a transitional, historical phenomenon. It must seem strange to those who are impatient to see that every community and person is adequately fed, clothed, housed and equipped for modern life to realize that for nearly the whole of the history of civilized man poverty was not regarded as a social phenomenon or even a particularly unfortunate condition. Even morally sensitive thinkers with the noblest and most ambitious conceptions of what every man, woman and child was destined to achieve, were with few exceptions more concerned with escaping the worst features of poverty than with eradicating it. Those to whom the poor yielded their rights and their substance—the rich and powerful, were admired and honoured. The main cultural tradition has tended to present the poor as less deserving of consideration, respect and service than the rich."

This realization, that poverty is a social product rather than the natural condition of men, was brought about by the rise of democratic radicalism in the West and the struggle against Western colonialism in the East. In the West, Marxism spon-

sored the proliferation of socialist workers' organizations, which eventually led to the success of trade unionism, on the one hand, and the continuing existence and varying degrees of success of socialist parties, on the other. Colonialism and imperialism, to which the socialists were fiercely opposed, were not exactly unbeneficial to the poor of Western societies. Their societies developed and their living standards improved owing to the not inconsiderable wealth obtained from the colonization of other peoples.

Thus it was that the rebellion of the poor, owing to the indisputable success of Western civilization, was to find its cause among the victims of colonialism. It was a rebellion born out of the anti-colonialist struggles for national independence. Western colonialism spawned a rebellious elite which earned its legitimacy by espousing the cause of nationalism and identifying themselves with the conditions of the poor masses. The poor were told that their liberation from poverty depended on the success of the struggle for national independence. For the poor multitudes, the age of colonialism ushered in the age of commitment.

The dumb protest of centuries took a moral form: rebellion. Excited into common action, awakened to a promise of, at least, a better life, the poor *committed* themselves to the ideology of nationalism, and they looked forward to the establishment, as far as they could conceive it, of a new society.

But the new society did not follow in the wake of national independence. The struggle for it did unite the poor with the

various groups of colonial society, but as John Spanier observed in his book, *Games Nations Play*, "once the opponent who united them is gone, there is little else to hold them together as a political, economic, and administrative entity; the centrifugal forces then begin to exert their pulls."

We behold at this point the contradictions of transitional societies, that problematical state of being torn between the old and the new: the desire for development opposed by values and institutions obstructing its attainment; the obvious need for unity offset by the anarchic pursuit of interest; the anemic struggle for power of various elites distorting the national consensus; and the arousing of popular expectations for selfish ends, without any serious program for fulfilling them. Social scientists from both the East and West have analyzed thoroughly the transitional societies to explain the poverty of their masses. The explanations are valid enough, except for the fact that the poor directly perceive their hideous manifestations. It is not just the great gulf between them and the few who are rich, but the graft and corruption, the discrimination of law and justice, and the utter lack of personal security for those who have . . . The contradictions can be appreciated by the various elites and the ruling classes, and, in truth, they have a tendency of blaming these on the "ignorance" of the masses.\* But to the poor, these explain everything except *their* poverty.

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\* We note, ironically, how William Pomeroy blamed the failure of communism in the fifties on the lack of "class consciousness" of the masses.

The poor, at this point, become a "combustible" people. Awareness of the utter hopelessness of improving their condition, while seeing the few enjoy the abundant life, may tempt them to any action that offers the slightest chance of success. It has often been said that the miserably poor are as "reactionary" as the very rich; in any case, they are too abject to revolt. Crane Brinton in his *Anatomy of Revolution* confidently asserts that no one revolts for a standard of living. Scholarly studies on revolution tell us that it is not among the old poor or traditional poor but among the impoverished and "advancing" poor that we shall find the potential for revolution. But modern communication, not to mention the dedication of agitators, tends to blur these handy distinctions. In spite of what orthodox Marxists and imitators may say, when Mao Tse-tung declared that "poor people want change, want to do things, want revolution," he was not drawing hard-and-fast distinctions among the children of poverty.

Let us remind ourselves that the poor had been enlisted in the anti-colonial struggle for national independence on the great expectations of a new society. Now they are being told that the new society will have to come after they have made a new commitment: to nation-building. Thus, the despair of the cognoscenti over educating the poor about the contradictions of traditional societies. But we know from experience that the poor, having known the galvanizing power of commitment, are far from adverse to either pursuing or renewing their commitment.

And if there is one thing that the poor completely understand in this revolutionary age, it is the great potency of the *political act*.

In his study of Burma's search for identity (*Politics, Personality, and Nation Building*), Lucien W. Pye observed that in transitional societies:—

“This is also a time of faith in the miraculous powers of politics. The belief has been rampant that all aspects of life will be different with a change in sovereignty, with the elevation of new leaders to old offices, with the manipulation of new slogans and the worship of new symbols. Works of civilization which in other times were assumed to follow only from the patient application of skill and diligence and the acceptance of sustained efforts are now thought to be conceived by the potency of political acts. In the new countries, where politics unlimited is sovereign and where it is believed all problems can be solved by its methods, other activities tend to lose their charm and worth. Thus, rationalization in politics has never been greater; never have more people been able to play the game with greater self-assurance that in doing so they are performing a public service. Older nations have been built upon the myth that if each seeks his interests, the interests of all will be served, new countries are trying to be built upon the myth that if each strives to get ahead in government and politics, the public good will be served.”

The generalization, although simplified in parts, nevertheless applies to the present self-consciousness of the poor: they do believe in the miraculous powers of politics. Because of the imagined potency of the political act, they are confident that they can begin to shape society instead of merely being shaped by it. And whenever they feel that their societies seem to be unresponsive to their needs, they conclude that it is because they are not availing of their political power. Individually, separate from one another, the poor do indeed feel helpless. But they understand their collective power.

Transitional elites know the dimensions of this power, but they have fallen from leadership, all the same, for failing to come to terms with it. Long used to manipulating the poor, the old elites thought sheer radical rhetoric and "generous gestures" would indefinitely obtain for themselves the support of the poor. In many ways, the elites, Westernized as they were, approached the poor, whom they call "the people," or "the masses," on the valid ground that they are the *many*, from a high horse. Thus, they would *do* things for the poor, they would "*salve their wounds*," and were consequently surprised, perhaps even embittered, should a counter-elite or competing elite be able, *against all reason*, to win the allegiance of the poor masses in destroying the old order. It is characteristic of transitional politics to look upon the poor as nothing more than a base of power to be availed of in pursuit of sectarian ends. The common complaint of the poor, for example, is that they are only important during election campaigns. It has been shown time and again that

the poor masses regarded election campaigns not as genuine opportunities for radical change but as intermittent opportunities for "getting back at the crooks." But it soon became apparent that most of the time the poor were exercising their choice among the members of an unchanging elite. Realizing this, the poor are inevitably disenchanted with the political process, and disenchantment leads to indifference and cynicism.

But beneath "the power of the few and the indifference of the rest," lurking behind the popular cynicism, is the conviction that things must get better. In the struggle for national independence, "We" were the people and their leaders against "They," the colonialists and imperialists; now "They" are the transitional elites which replaced the colonial ruling class and "We" are the poor.

This is a situation that lends itself readily to the agitation of radicals and revolutionaries of the Right and the Left. However, it is the communists, with their highly developed revolutionary theory and practice, who are most adept in exploiting the disenchantment and capacity for commitment of the poor. Where the elites of transitional societies are content to manipulate or grant concessions to the poor, the communists give neither aid nor comfort. Communist revolutionaries tell the poor that they can never get their due under any system in which they are not in command; in sum, the poor must liberate themselves by capturing state power through the communist revolutionaries. Then and only then will the contradictions of transitional socie-

ties be resolved, and their captivity to neo-colonialism or imperialism ended, a precondition for the creation of a new society very much to the dreams and aspirations of the poor.

Mao Tse-tung's vision, insofar as it goes, presents a hope for the poor:

"In a few decades, why can't 600 million *paupers*, by their own efforts, create a socialist country, rich and strong? The wealth of society is created by the workers, the peasants, the working intellectuals. If only they take their destiny into their own hands, follow a Marxist-Leninist line, and energetically tackle problems instead of evading them, there is no difficulty in the world that they cannot resolve."

This has a powerful appeal on two counts: the actual conditions of transitional societies suggest an impotency for change, while the making of revolution has about it an excitement and glory that revives the old enthusiasms and the hopes of commitment. Carrying a gun, erecting barricades, and shouting revolutionary slogans have a more serious, more confident meaning than laboring monotonously in the factory or farm, especially under societies which seem to offer nothing substantial to the poor.

The making of revolution, while it captures the imagination and simplifies the problem of developing, postpones the necessary and continuing task of nation-building. Thus it is that as soon as the communists capture state power, they impose on the poor masses a rigorous and totalitarian regimentation to pro-

mote their communist aims. The revolution is obviously regarded as an exciting prelude to the regimentation that inevitably follows: the poor, having committed themselves to revolution and having made it with their blood and tears, are trapped and defrauded into accepting a discipline that they could have accepted in the first place without the necessity of a Jacobin upheaval.\*

*That the communists doctrinally insist on the necessity of revolution does not alter the fact that revolution, under communist terms, serves to indulge and expend the violence of the poor in order to make them malleable to the totalitarian regimentation of their lives.* This is the *fraud* behind the communist conspiracy, in so far as the role of the poor masses is concerned.

“Every mass movement has its distant hope (Eric Hoffer asserts in *The True Believer*), its brand of dope to dull the impatience of the masses and reconcile them with their lot in life. Stalinism is as much an opium of the people as are the established religions.”

The radicals of the Right, on the other hand, ride on the demand of the poor for law and order and clean, honest government—but on their terms and not on the terms of the poor. To the radical rightists, it is a simple matter of applying the force of the state without altering, in any manner, the social structure. They would welcome martial law, for example, if it meant

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\* See *Today's Revolution: Democracy*.

preserving the status quo. Hence, the favored weapon of the radical rightists is the *coup d'etat* or palace revolution.

No less than the communists, the rightists speak righteously about the poverty of the masses. But they look upon their "concern" as a form of security for the rich minority and the privileged *elites* to which they belong. They will do *anything* for the poor except destroy the poverty-creating order. For they themselves are creating the hunger and the poverty, and the amenities of freedom that they so zealously defend are reserved for them alone.

The fraud in the violence of both the communists, on the one hand, and the radical rightists, on the other, is that in either case the poor are cheated of their demands for a new society. There are, to be sure, comparative differences between communist and rightist regimes, but both are impositions on the poor masses. What prevails in the end is neither the ideology nor the commitment of the masses but the ideologies and commitment of the ruling classes.

After having said all these, the problem remains: how to confront the crisis of commitment of the poor. If the communists alone can inspire their commitment, then communism will sooner or later prevail in our nation. But if the communists are weak, though troublesome, then the rightists will exploit the commitment of the poor to the latter's disadvantage.

We know that the poor will commit themselves to an ideology which they believe to be in consonance with their aspirations.

They are willing to accept the burdens of making a new society, for it is going to be *their* society.

An ideology for the new society must, therefore, anchor itself on one ruling principle: that the interests, objectives and needs of the poorest of the working people take precedence over those of the rest. It has been suggested that this will require the *structure of a democratic politics*, or the process of genuine development will tend to go awry. National development means the participation of the poor, but such participation can only be expected if the ideology offered to them—the new society envisioned—pledges and fulfills an authentic transformation of the social order.

Thus, the work of social transformation begins with the search for an ideology which makes the rebellion of the poor the basis of a new society.

Moral realism requires this ideological basis: the consciousness of the poor permeates them with a profound sense of being oppressed, and not simply because the rich oppress them brazenly but because it is *poverty itself* that oppresses them. To be poor is to be *without*, and therefore, to be *an outsider* in the vibrant and meaningful political, economic, and social life of modern human community. Above all, being poor is being invisible; violence makes them visible.

Of what good is democracy if it is not for the poor?



## CHAPTER IV

### *The Question of Equality*

Equality is the fundamental demand of the rebellion of the poor: it should be the ideological force behind the New Society. How this egalitarian demand is understood is crucial to the distinction between the Democratic Revolution and the Marxist-Jacobin Revolution.

The Marxist answer to the egalitarian demand is the dictatorship of the proletariat, which Maurice Duverger shrewdly describes as *an accurate continuation of the Jacobin theory of terror*:

“...Man is born good but capitalism corrupts him: In order to destroy the system of oppression, exploitation and alienation developed by capitalism, violence must be used. Violence against the state, in the first place, so long as it is in the hands of the exploiting classes: this means revolution. Next, when the working class has taken power, the force of the state is directed against the exploiters and used to destroy

every trace of exploitation: this stage is the dictatorship of the proletariat."

In a society such as ours, in which the rich are too few and the poor too many, the Marxist-Jacobinist approach has a ringing appeal. With the term proletariat, one simply substitutes the poor. By "expropriating the expropriators," or eradicating the rich, equality is achieved with one bold stroke.

The trouble with this formulation, however, is that the dictator-proletariat is itself *dictated upon* by an all-powerful Party, while even among the poor there is a hierarchy of classes, beginning with the "advanced" proletariat, followed by the peasantry, the intellectuals and the *petit bourgeois*. Moreover, there is a contemptible class, the lumpenproletariat, a term reserved for "the scum of the earth."

Stated, therefore, in Marxist-Jacobinist terms, the rebellion of the poor is self-contradictory: it is unable to approximate the egalitarian ideal.

The reason for this lies in the heart of Marxism itself: equality is *exclusively* regarded as a relation between social classes, hence, the solution to bourgeois domination is proletarian dictatorship. In sum, while the domination of one class is oppressive, the domination of another is *not*. But the egalitarian principle states that all men are equal, whatever their class, color, or creed; it is thus a condition of *each and every individual* in society. A man is not just a worker, a farmer, a

teacher, or a capitalist: he deserves to be treated justly and equally as the rest, not because of his social functions but because and simply because he is an individual human being. But the Marxist-Jacobinist equality depends on class, on status, which is contrary to the human concept of equality. It is for this reason that man in a totalitarian state is defined arbitrarily and persecuted arbitrarily by assigning him to a social class.

How could this logical and practical contradiction gain so much power and appeal? Partly because of coercion and partly because of the fascistic tendencies of capitalism in underdeveloped societies. Communism was the only honest alternative in Tsarist Russia and feudal-warlord-colonial China. The democratic revolutionaries in these countries were neither sufficient nor strong enough; there was no sense of democratic revolution.

Democratic institutions, no matter how weak or corrupted by the social system, are a pre-condition for a democratic revolution, or what is called "revolution from the center." Its central problem, like that of the rebellion of the poor, is equality. Equality, moreover, is necessarily initiated in the political realm.

Obviously, then, the fundamental task of drastic political reform is to democratize the entire political system. The high cost of elections, for example, works against the egalitarian principle, for the rich man or the instrument of the oligarchic rich, have an edge against the poor. The literacy test discri-

minates against the illiterate, who, in the present-day state of mass communications, need not necessarily be less qualified than the literate. The minimum voting age of 21 discriminates against the 18-year-olds, who are considered old enough to fight and die for their country. The oligarchic clutch on the political authority makes democratic rights the exclusive benefit of a controlling class.

The Marxist-Jacobinist claims that political reconstruction is impossible without social revolution. On the contrary, political reconstruction can change society, *as we are now changing society through a reorientation of our political authority.*

To begin with, the modernization of the *barangay* system in the form of the Citizens Assemblies, restores power to the people, where it properly belongs. All citizens, from fifteen years of age upwards, are entitled, indeed obligated, to lend their voices to the consideration of great national issues. This is a drastic improvement over the old "representative" system, in which the mass of citizens indulged in politics as a spectator sport, applauding and supporting the loudest and shrewdest debater, in a word, the more effective demagogue. In the past, the great issues of the nation were settled among themselves by the political and media elite, with the oligarchy pulling the strings in the background.

A distinction has to be recognized between access to political authority and access to the mass media, which are often incompatible with each other. The government is obliged to promote private interests in the guise of safeguarding the public interest.

The humble citizen who could not be heard through the newspapers, radio and television was powerless. The present system provides him with a ready access to political authority through his *barangay*.

Government by publicity has not advanced the national cause; government by physical accessibility should.

How is the government by physical accessibility achieved? As I said, through the Citizens Assemblies. However, it may be objected that only great issues are put before the Assemblies; how about the day-to-day exercise of public power? Quite apart from the new private media, new in its orientation, and the government information department, which could not be organized before because of the objections of private media which wanted to maintain a monopoly of communicating information, there is also the new status of the barrio captains as the people's representatives in the municipal councils. Barrio captains, unlike the old representatives, are daily accountable to their constituents about the conduct of local governments. At the same time, their constituents are also members of the *barangay*; thus, in both national and local questions, the barrio captains are the people's vital link to Government.

This political structural reform is by no means minor; it is, in the context of our experience, quite revolutionary. The gap between the humble citizen and the center of national power is considerably narrowed down. But what is of paramount importance is the advent of *participatory democracy*. The masses will no longer wait until the controversies and issues of the day are

crystallized for them by the debates of vested groups in the media; they crystallize the issues themselves, their opinions and sentiments are directly felt by the political authority.

Not a few observers—and detractors—have scoffed at the Citizens Assemblies, asserting that they were “manipulated.” It is quite possible that in some instances certain enthusiasts of martial law or rowdies taken to mischief tried to assert themselves in certain assemblies. But this is to make the primary elections, say, of West Virginia and elections in Cook County, representative of the U.S. presidential elections. Martial Law has changed the moral atmosphere of Filipino society overnight, but it has by no means changed each and every citizen of the Republic. The isolated excesses should not blind us to the fact that with rare exceptions in the old opposition, largely the unconstitutional opposition, the results of the first Citizens Assemblies are accepted as *an accurate indication* of popular feelings and sentiments about the questions presented to them.

The Citizens Assemblies, the modern expression of the *barangay*, have passed from the leadership’s initiative into the hands of the Filipinos themselves. Now they have seen the humblest sitting in common counsel with the “mightiest,” who have one voice like the rest, where before the latter could just bribe a commentator or visit a politician secretly so that he could have his way with the barrio, the municipality, the province, or the nation. To belittle this *fraternity* is to misunderstand or distort the political objective of the democratic revolution: national integration.

The old political system divided our people between the influential and the mass, or the uninfluential, principally on the basis of social and economic status. The new political system unites them into a citizenry with equal individual rights.

Politics in the old society were essentially a politics of conflict, the competition among individuals and groups for social domination. It was not a surprise therefore that the poor, the wretched, and the frustrated, got what they could out of the politics of conflict, since they never look upon them as a force for authentic integration. If they behaved indifferently towards government, only "coming alive" during elections, or whenever they sought *favors* rather than their *due* from it, it was because they believed that for the most part government was entirely at the service of the oligarchic and influential few. Their feeder roads, their schools, their bridges, were to remain unbuilt for one reason or another, while the private roads, schools, and mansions of the rich were easily constructed. There was no controversy about responding to the needs of the influential, there was always controversy about satisfying the needs of the many. All these came *to be* simply because the influential could disguise private greed with public concern.

This state of affairs prevailed principally because of the dishonesty, intellectual and otherwise, in the public forums. The national interest, the common good, were daily betrayed in the name of "principles." But for the masses, the test of principles was the condition of their lives; all the rhetoric did not give them the sense of equality that they have now.

This is something that cannot be taken away from them in the name of the civil liberties of the old establishment. Having known political equality, all the freedoms, let alone the freedom of expression, which were distorted in the old society, our people henceforth demand that all freedoms be considered under one supreme criterion: how will they serve the cause of the rebellion of the poor?

Evidently, the egalitarian principle requires a reconstruction of our political values.

## CHAPTER V

### *The Political Bond*

**A**s the ideological basis of the New Society, the rebellion of the poor establishes a new political bond based principally on equality. The principle of equality and its earnest enforcement is, as a matter of fact, the outstanding characteristic of our emerging new society and is, furthermore, the foundation of its wide popular support.

The popular demand for equality is not completely new; it was an old dream betrayed in the tortuous course of our history. The innumerable revolts and rebellions against Spanish rule (one every two years) and the unifying ideas of the Philippine Revolution were initial responses of our people to the pretensions of colonial rule, that there was one people under God and that everyone was entitled to just and humane treatment. Equality at this time was not equality *with* the friars and colonial rulers but equality as dutiful creatures of God and the colonial state. Aspired for was emancipation, that is to say, integration, or in the words of the Propaganda Movement,

assimilation and not *liberation*. Obviously, underneath all the restiveness of the people was the human passion for liberty, but this did not fully assert itself until it became absolutely clear that the colonial regime was completely indifferent and even hostile to popular feelings.

It was on the basis of this *restricted egalitarian* dream, *equality within the colonial state*, that the revolutionary ideas of 1896 were forged. This was the earliest political bond among all Filipinos, that is, the native Filipinos apart from the Spaniards born in the Philippines, who for centuries appropriated the name for themselves.

Not the promise of liberty but deliverance from expropriation, not political freedom but the end of day-to-day oppression, brought the Filipino masses to revolution. Where the *ilustrados*, the ideologues of the Revolution, applied themselves to the political question, the masses were moved by social considerations. The debate between Elias and Ibarra in Rizal's *Noli Me Tangere*, is an *ilustrado* debate between "light and liberty", enlightenment and freedom, but in *El Filibusterismo*, Rizal portrays in the expropriated Kabesang Tales the social passions of the Philippine Revolution: the right to land and the fruits of one's labors. These, I would suggest, have been lost sight of in our "post-revolutionary" period, during the Commonwealth and the nearly three decades of national independence. We have almost exclusively thought of our heritage in terms of the political and constitutional ideas of the Philippine Revolution, forgetting all

the revolts which came before it, and, as it were, determined its social force. The fact is that we are only realizing now the unfulfilled and betrayed hopes of the Filipino masses who sacrificed for every revolt and the Revolution and fought every war in our history, which hopes are, of course, social before they are political.

We might have realized these hopes earlier had the Philippine Revolution run its full course instead of being frustrated by the American regime. Our *ilustrados*, in many ways the ancestors of our politicians, might have understood the Revolution in the same way that the men of the French Revolution understood theirs:

“...The inescapable fact was that liberation from tyranny spelled freedom only for the few and was hardly felt by the many who remained loaded down by their misery. These had to be liberated some more... Moreover, in this liberation, the men of the Revolution and the people whom they supported were *no longer united by objective bonds in a common cause*: a special effort was required of the representatives, an *effort of socialization* which Robespierre called virtue, and this virtue was not Roman, it did not aim at *res publica* and had nothing to do with freedom. Virtue meant to have the welfare of the people in mind, to identify one's own will with the will of the people—*il faut une'volonte'UNE*—and this effort was primarily directed at the happiness of the many. After the downfall of the Gironde, it was no

longer freedom but happiness that became the new idea in Europe."

(Hannah Arendt, *On Revolution*)

Indeed, by the time of the Malolos Congress, the men of the Philippine Revolution *were no longer united with the masses by objective bonds in a common cause*; this became quite evident in the *social indifference* of the Malolos Constitution, which was a reflection on political forms rather than the social passions which led the masses to support the Revolution. Few, if at all, were conscious of the fact that the *social indifference* completely left the masses out of the emerging political order.

No different were the *ilustrado* successors of the Commonwealth Constitution. In spirit, if not wholly in substance, what we call the "old" Constitution was akin to the American, which was, however, framed in a different social environment: a socially and economically emancipated country. The truth is that the framers of both Philippine Constitutions were emancipated themselves and had no compassion with the many "loaded down in misery." The most that could be said of them in extenuation was their belief that freedom from tyranny would lead to social equality, but there is no historical record that this was in fact so.

The *ilustrado* tradition *politicized* the masses in its own image of the good society, disastrously so because it converted the social question into the political process: organization, representation, and litigation, all of which were not effectively accessible to the masses. Thus, the only effective form of peasant orga-

nization, for example, was "subversive," obtaining by violence what could not be achieved by democratic petition. On the other hand, where the masses resorted to "political action," it was through privilege and patronage. Certainly, the corruption that riddled political life in the Old Society was a manifestation of familial, regional, and tribal ties, extending considerably the pernicious "spoils system" adapted from American party politics.

If there is anything, indeed, that reflects our colonial mentality, it is not the preference for American goods decried by generations of economic nationalists, but the adoption of the American constitutional spirit, which is empty of social content, for unlike French political thought, the American was not conditioned by the social misery of the age. It was essentially a liberation from tyranny, a political act rather than an act of social emancipation. But Filipino political thought, at least in its early stages, most particularly with Andres Bonifacio, was the expression of the social condition of the Filipino masses.

I have merely given our present social situation a historical perspective; but neither ideological sophistication nor a profound sense of history is required to make us understand that the rebellion of the poor, the rebellion for equality, is what gives to our time its specific character. All that we need is the human compassion which moved the men of the French Revolution and our own heroes of the Katipunan. The intention is not, therefore, to make a textbook case for equality, but to awaken us to the fact that now societies no longer judge their poor; it is *their* poor which judge them.

In what other way can the rebellion of the poor achieve its goal of equality except by destroying the society which perpetuates mass poverty? But governments can offer a constitutional and orderly alternative because of their power, which they can use oppressively, on the side of the *status quo*, or redemptively, on the side of equality. It was on the basis of this necessary choice that I understood the declaration of martial law to mean not *only* the preservation of the Republic but *also* the thorough reconstruction of society.

\* I have alluded to the immediate support of the people for the rationale of martial law. This could not have come about if they had not keenly experienced the egalitarianism of the order. Our people rightly saw that the crime situation was, for example, not simply the product of economic hardship but also of social inequities, of the privileges which aggravated it. Thugs, terrorists, law-breakers, corrupt and abusive policemen and other law enforcers, not to mention the criminal violence of the prominent, thrived because of social connections, economic domination, and political protection. Almost overnight, the privileged wrongdoers, who were rapidly transforming ours into a criminal society, have been immobilized or driven underground. However, the humblest citizen could truly speak of his government, breaking down the forces of alienation, in which the people were "We" and the society and government "They."

The new situation is encouraging each and every Filipino to depend on one another for the achievement of social goals. There is a resurgence of the "bayanihan" spirit, although in a

modern context, as if in particular response to W.H. Auden's injunction that "we must love one another or die." This human solidarity and cooperation, this sense of community, is not just a moral precept but a necessity of our time: the very complexity of collective life and the enormities of its problems demand of us a united zeal that is unprecedented in the history of peoples and of mankind.

We have therefore an emergent sense of solidarity. The essential step now is to elucidate the basis of this solidarity, to give it an ideological and visible foundation in our national life. It is apparent that we cannot permanently depend on the coercive powers of the state, even if they coincide with our desires as a people: we must give to the new political bond the force of our own individual discipline.

Now "discipline" suggests a "disciplinarian," and is usually thought of in connection with the martial life: of marching in line and instant obedience to command. This is the discipline that, in many respects, governs a "command society" under martial law conditions, but it is obvious that we cannot make of this a permanent institution in our national life. The great majority of mankind need not be disciplined in this manner in order to live peaceably and responsibly in society, although there might have been periods in human history when this kind of imposition was a matter of necessity.

Still, let us be candid with ourselves. The popular support for the disciplinary measures under martial law indicates that for the vast majority of Filipinos, a disciplined ordering of pub-

lic life has long been imperative. As a matter of fact, the most common criticism of my decision was why it took me so long. But the entire matter was, of course, not in my will but in the circumstances. All the same, this further indicates another profound sentiment: our people want to start all over again, to arrive at a new covenant of collective existence.

I will be the first to admit, however, that the present discipline is not exactly the most ideal. There is an element of fear in it, fear of swift, albeit just, punishment. I take this, as many do, as crude discipline, or basic discipline, the kind that we have been subjected to as children. On the other hand, there are elements in society, notably the anti-social and criminal elements, which evidently require this kind of discipline. But we should be able in the shortest time possible—considering our decency and maturity as a people—to transcend this primitive discipline, the fear of reprisal on our persons, and acquire the stronger, more sophisticated discipline, that of fear for the harmony of society should we deliberately go against its laws, its norms, in sum, its covenant. We should be afraid of wrongdoing not because of the personal consequences to ourselves but because it might destroy the “balance” of our community and thus, adversely affect not only our personal lives but the lives of others. Only in this way can our covenant with one another be made into a “lasting institution.”

To arrive at the stage of institutional permanence, the new covenant—the political bond—must take the form of a national ideology. But I part company with those who preach that it

was the lack of a national ideology, in the sense of a political philosophy, which produced the ills of the old society. The truth is that we had a political philosophy, but one which viewed politics as essentially a competition for public power and privilege among individuals, political parties, and pressure groups, and only secondarily as a means of promoting the general welfare and the public interest. In the words of Maurice Duverger, ours was "a politics of conflict" and not "the politics of integration". Jose Rizal more aptly called it "the sense of national community." And it was, of course, the consensus that while personal ends should be served, *some* thought should be given to the public interest, and if a politician were to do this, he was better than the common breed. The short-sightedness of this view accounted for its failure and led to the martial necessity.

Many politicians and leaders before me, judging by their speeches, pretended to lament the *autarkic* principle in our political life, but either out of ignorance or sheer selfish interests, they were content to accept this "mess" as inherent in the freedom of our public life. But this is merely the old voice of privilege trying to re-assert itself, for a political society which excludes the masses from meaningful participation and considers them as simply *the gallery of consent*, just like the audience of popular entertainment, merely assures the perpetuation of organized elites in power and social privilege. These elites are able to speak poignantly of the blessings of "life, liberty, and the pursuit of happiness," while the vast majority of the people are kept in ignorance and poverty. No one may expect these dis-

armed elites to support the prevailing state, for it deprives them of their self-ordained special relationship with the people: they cease to be the demagogic spokesmen of the downtrodden, from which they derived their privileged status.

And why should the people have any need for spokesmen who merely mislead and manipulate them, when they can speak for themselves? The Citizens Assemblies provide them a direct forum.

The Citizens Assemblies have been criticized as having been manipulated in favor of the Government. But the reason for this was the strong affirmation given by the various assemblies to the questions put forward to them. Apparently, what the critics wanted was a repudiation of martial law and then they would pronounce the assemblies a democratic success. We certainly cannot please our critics in this manner, for evidently the results they want must coincide with their minority views. On the other hand, like the present discipline, the Citizens Assemblies are still in their crude beginnings, for we have yet to make them address questions to the Government, so as to complete the circle of dialogue in *participatory democracy*. Although a modern rendering of the effective *barangays* of a bygone primitive democratic age, the Citizens Assemblies must still be perfected as an institution of popular control over government.

This is our response not only to our people's political requirements but also to the crisis of democracy the world over. The friendliest critics of democracy point out that bureaucratization, the rise of technocracy, the increasing complexities of

modern life, and the acceleration of technologies and their cost, especially in mass communication, have made the ordinary citizen the creature rather than the sovereign of his public life. There is no longer any sense of control over his government on the part of the ordinary citizen, but at the same time he is fed the illusion that he is in control. But I do not think that this illusion is strong, for the ordinary citizen knows sooner or later by experience that he is no longer sovereign. If this can happen in industrial and post-industrial democratic states, what more in one that has been corrupted by wealth and privilege? The humblest citizen should and must be heard without having his sentiments and words distorted by self-anointed spokesmen and "interpreters" of public opinion. The Citizens Assemblies offer him such an avenue.

We are, moreover, adjusting our public life to the new Constitution, which now perceives, where the old Constitution did not, the essentially social aspirations of our national union. The schools and the mass media are not adequate for the purpose of elucidating and disseminating to *all* Filipinos the new constitutional ideas governing our nation. In this fundamental task, the Citizens Assemblies must play a major role. No citizen should be deprived of constitutional knowledge by reason of being out of school, lack of literacy or lack of access to mass media. The Constitution must go to the people; they do not have to reach out, at their own peril, to it. If, indeed, ignorance of the law is no excuse for infraction, it is the obligation of the political authority that such ignorance is not made possible, much less

promoted, out of official neglect. One of the great obligations of all governments in the modern world is the constant dissemination of public knowledge—that is, if knowledge which enables the citizen to participate effectively in public life and thereby enjoy its blessings. Every deficiency on this score leaves the field open to the careerists and the demagogues, who will then constitute themselves once more in a *privileged political class*, monopolizing knowledge that is for everyone.

Finally, the new Constitution and the Citizens Assemblies embody in their principles and the machinery of practice the egalitarian ideal which has precisely demanded the making of a new society. There was in the old society an inevitable conflict between equality and freedom because those who framed its equation had a monopoly of equality and freedom. Inequality breeds injustice and corruption and inevitably breaks the political bond that joins the citizens to their government. Our New Covenant, based, as it were, on the equality of all citizens, whatever their station in life, the nature of their faith, and the color of their political beliefs, means that we approach political life as a means of integration and of promoting the general welfare.

It has been said that enlightened self-interest promotes the public good. But it is difficult to distinguish enlightened from unenlightened self-interest. However, we can carefully distinguish between the private domain and the public realm.

This is easy enough to do in government, among those officials and functionaries charged with the conduct of the public business. In the simplest terms, they are not to engage in graft

and corruption, fall into inefficiency and incompetence, or be involved in any wrongdoing as provided for by law. I have, as promised in my first book, *Today's Revolution: Democracy*, reoriented the political authority, and may have done so in a rather severe manner: over 6,000 people have lost their jobs or positions in government. Could it have been possible just to forgive them and enjoin them not to do wrong again? I think not, if the principle were to restore our people's faith in government. As it is, there may still be old elements in the bureaucracy, overlooked in the summary process, either "lying low" or still engaging in the old ways safe in the false thought that *the reorientation is over*. It is not yet over: those who serve with me must accept the most ruthless discipline. They must work hard and observe the highest standards of service, otherwise they have no place in the leadership of the New Society. I cannot at this time be moved by their complaint of inadequate compensation—except by those who are in the very lowest rungs—for if the masses of Filipinos are still deprived and suffering, all of us must deprive ourselves and suffer with them. This is the tenet of public leadership.

But if it is easy enough to distinguish between the private domain and the public realm in government service, how about *outside* of it? Among the general citizenry, the businessmen, the students, the professionals, and all others in private employment? Obviously, it is almost futile to enjoin them not to tempt our functionaries. Bribery is secret, though not well-kept, for both the bribe-giver and the bribe-taker are liable to punish-

ment. It is possible therefore that underground bribery can exist with impunity. Here, the private citizen should be impressed by the sophisticated discipline which fears for the "balance" of society. His indifference to his civic responsibility will, under martial law conditions, lead to the alternative that martial law intended to prevent: chaos. Chaos and bloody revolution.

As far as it is able to, the Government will discipline and punish its own, along with the criminal elements. By accepting this limitation, we serve notice that although ours is a constitutional authoritarian regime, it is not totalitarian, for it will not encroach upon the private lives of all our citizens. In this *space of freedom*, the citizen may behave as he pleases in the pursuit of his private happiness: he may order or disrupt his life according to his discipline or lack of it. But once he misuses his space of freedom by forcing it into the public realm, he will risk a revolution that may well impose on him a totalitarian regime. It is a case once more of private privilege perverting the political authority that I discussed at length in the section "Oligarchic Democracy" of *Today's Revolution: Democracy*.

It is only up to a certain limit that the Government can enforce the covenant of the New Society, if that Government has to stay honest with the people in its will to protect the Republic and inaugurate a new era of freedom. But beyond that limit is the citizen's concern for his whole society, his individual covenant with the rest of mankind.

I am responsible for martial law. I have my own covenant with the New Society, for in many ways, it is a vision that I have proposed to our people. But for the final direction of our society, the entire movement of our destiny, each and every Filipino is responsible, and that depends on the inner discipline that is not a response to coercion but to a clear understanding of our needs and the necessity of the times which require their satisfaction.

With the September 21st Movement, we have passed the Age of Innocence and entered the Age of Responsibility.

Consider well, therefore, this new political bond and heed the warning of an acute observer of modern political affairs:

“As a result of (this) politicization of all aspects of life and of the orientation of all thought and energy toward politics, men increasingly turn to the state for a solution of their problems, though the state could not solve them if it tried. And everywhere in the world this increasing inclination to turn to the state leads to three evils: boundless inflation of the state’s size and power; increasing dependence on it by the individual; and decreasing control over it by the ‘people’ who think they control it, whereas in reality they merely surrender all their powers to it”—Konrad Kellen, Translator’s preface to Jacques Ellul’s *The Political Illusion*.

There are, in conclusion, simply those public matters which require the initiative of the people. They have the right to oust

a government which has been untrue to the covenant. But if they themselves destroy the covenant, they relinquish their right to rule themselves. The edifice of public life crumbles, like the walls of Jericho, at the first blast of the trumpet.

Indeed, the Age of Responsibility calls not to a few but to the many; everyone is responsible. No one can escape the charge of history.

## CHAPTER VI

### *The Conquest of Poverty*

**T**he New Society is, first of all, a community of equals.

\* In eleven months of martial law, we have realized *civil equality*—that equality which we mean by “*equal treatment*.” To be poor in this society is no longer to be underprivileged. It is true that there is an element of coercion behind this achievement, at least for those who cling to or who wish to revive the privileged treatment of the old society. But there is also an imperative necessity to the enforcement of civil equality, for as the basis of the new political bond, it is also the precondition for the attainment of a greater equality, which is *social equality*.

A society in which the majority of the people are poor is, as we have experienced, in constant danger of having its political authority corrupted and dominated by the rich minority. This was the essential point of my analysis of the oligarchic society. In these revolutionary times, such a society cannot long endure.

That society will endure whose members enjoy social equality—in other words, a society which has eliminated economic inequality.

The standard response to economic inequality is economic development. According to the conventional wisdom, economic development reduces mass poverty and enriches human life. But the crucial question is, "How is economic development to be achieved?" We somehow end up debating "models" of economic development, and the usual options are capitalist development, on the other hand, and socialist development, on the other. And the inevitable conclusion is that we should try to avoid the excesses of either, except we are told that this is impossible. That is the risk of trying to solve our problems according to "systems."

Economic development is formulated in terms of capital accumulation and full use of resources at one end and increasing GNP and per capita income at the other. Capitalism and communism present themselves as alternative roads to economic development, the one by the activities of free entrepreneurs making a profit and the other by the national use of resources for "social ends." If we take the ideological versions of these economic systems on their face value—that is, perfect capitalism and perfect socialism—it does not really matter which way we go: for economic development will be attained and mass poverty will be reduced, if not eliminated, and human life will be enriched.

But there is no perfection on this planet.

The condemnation of communism, for example, is drama-

tically presented not by an economist but a poet, Octavio Paz, in *The Labyrinth of Solitude*:

“Our lack of capital could be remedied in another way. As we know, there is a method whose efficacy has been proved. Capital, after all, is simply accumulated human labour, and the extraordinary development of the Soviet Union is nothing but an application of this formula. By means of a controlled economy, which avoids the waste and confusion inherent in the capitalist system, and the ‘rational’ use of an immense work force, directed to the exploiting of equally vast resources, the Soviet Union has become, in less than half a century, the only rival of the United States. In Mexico, however, we have neither the population nor the natural and technical resources required by an experiment of such proportions (not to mention our proximity to the United States and other historical circumstances). Above all, the ‘rational’ use of workers and a controlled economy signify—among other things—forced labour, concentration camps, the displacing of races and nationalities, the suppression of the workers’ basic rights, and the rule of the bureaucracy. The methods of ‘socialist accumulation,’ to use Stalin’s phrase, have turned out to be much more cruel than ‘primitive accumulation,’ which aroused the justified anger of Marx and Engels. No one doubts that totalitarian socialism can change the economy of a nation, what is doubtful is whether it can give men freedom. And this last is all that interests us, and all that can justify a revolution.”

But we ask, "Is Socialism essentially repressive and totalitarian?"

On the other hand, capitalism is cynical exploitation of labor, amassing profit in whatever way it can be made with impunity, and, in any case, in all the countries that it has been tried, human misery (with the exception of the United States) has not diminished. The sharp explanation for this was offered by Paul Sweezy: under-development and development are two sides of the coin of capitalism, the poverty of one is "necessary" to the wealth of the other. Thus, underdeveloped nations will never develop within the capitalist global system. Their heroic efforts will either end by their remaining where they are, or their plunging into deeper and deeper poverty.

The world economy seems to conform to this trend: the rich are getting richer and the poor poorer.

If this bleak analysis is correct, then economic development is irrelevant to the condition of the poor masses over a period of time, for whether it be capitalist or socialist development, the people will have to suffer more before, hopefully, they can suffer less. It is all a question of which *political elite*—fascist or communist—can succeed in imposing its rule on the people. What will count most is the ruthlessness and efficiency of the regime.

This does not imply that political regimes will be indifferent to economic development, for they need some measure of it to perpetuate themselves in power. The more repressive the re-

gimes are, the more they would push the country to development, since they need it to maintain the infrastructure of power. This is what I meant when I said that economic development will be irrelevant to the condition of the masses. The state becomes, in the words of Salvador de Madariaga, the "colonizer" of its own people.

No decent man can accept this rationalization, although it recommends itself to certain political realists, who will seize the advantage should the rebellion of the poor, out of sheer frustration, break out in bloody revolution. This rationalization is aptly called a *vertical view of society*, for it is the point-of-view of a reactionary ruling class manipulating and commanding the poor majority of society. And it should cause no surprise that such regimes are costly to maintain in human terms, for generations will have to be sacrificed through forced labor and concentration camps, or other Draconian measures to keep mass consumption at the lowest level, in order to attain the economic development that the regimes require. The instruments of repression—and even terror—are not a monopoly of totalitarian socialist states.

We arrive at this point at the so-called "development dilemma." Economic development is desirable if it increases the welfare and improves the level of life of the poor masses; it is only in these terms that the pursuit of economic development will gain the needed mass support. But the pursuit requires sacrifices from the poor masses—the postponement of consumption, forced savings, etc.—which, if the masses were free

to assert themselves, will be rejected and thus, leave the pursuit of development without its needed support. As the "democratic dilemma" states: democracy is indispensable to development, but in a democratic society people will always tend to vote for lower taxes in the same breath that they demand more public services.

Under these conditions, with the so-called "development dilemma" as a ruling principle, a society in which the rich are too few and the poor too many cannot expect non-repressive development, and, for a very long period of time, whatever development it attains cannot benefit the masses: The economic system, in this case, will be a matter of indifference. Capitalism in a democratic polity will be under increasing pressure from the rebellion of the poor and must, therefore, resort to repressive measures to save itself. Socialism, on the other hand, will be, under the same polity, similarly pressed. In either case, the way out of the dilemma is the armed, even despotic, exercise of power.

This harsh conclusion derives, as I said, from the *vertical view of society*, which assumes that the *given* society is *prior to*, sometimes even separate from, the individual. Society, whether capitalist or socialist, will not change by itself; it is blind to the circumstances which demand change. Men alone can change their societies; it is their perceptions—their perspective—which will conceive of and carry out the changes, and not, as we are often told, the play of impersonal forces. If we cannot de-

velop under present conditions governed by the "development dilemma," then we must either change the conditions, re-examine them, or revise or reappraise our notions of development.

We are, after all, concerned with an actual, not hypothetical, underdeveloped society: our own. It is important, therefore, that we extricate ourselves from the mental conditioning of ideologies foreign to our experience. We have to start from the ground up.

Accomplishing this intellectual liberation, we should be able to suspect that the "development dilemma" is the inevitable product of the vertical view of society, which regards the rebellion of the poor as a force merely to be "reckoned with." At best, society will be reordered according to the calculations and anxieties of those who dominate it. But it should be obvious that nothing less than a new society can come to terms with the rebellion of the poor.

Thus, if we abandon—and rightly so—the vertical view of society and, as it were, think *upwards* instead of *downwards*, we perceive that a society in which the many are poor and only a few are rich is not only an underdeveloped society: *it is not an authentic human society.*

Man's moral sense and historical experience irrevocably deny authenticity to such a community: firstly, because it is not inevitable; secondly, because it is the product of an undeveloped moral sense, and, thirdly, because it is, in the long run, socially suicidal.

But, then, how do we proceed after repudiating the "development dilemma?"

### A Progressive Society

Gunnar Myrdal, in *Economic Theory and Underdeveloped Regions*, made a brief but cogent observation that lifts the cloud in much of our thinking about economic development. He observed that:

*“... in a progressive society, the improvement of the lot of the people can often be won without substantial sacrifices from those who are better off and is sometimes not only compatible with, but a condition for, the attainment of higher levels in all income brackets, including the higher ones”*

It is an observation pregnant with implications.

1. “Tainted” but not influenced by the vertical view of society, the statement dispels the capitalist-conservative nightmare of the rich minority being impoverished and brought down to the level of the poor.
2. The statement implies that the pursuit of economic development will be successful because the poor will support it, having a stake in it.
3. The statement implies that this feat can be managed by a *progressive society*.

“But we are not a progressive society, we are economically underdeveloped.”

The objection is not valid because it assumes that only an economically developed society can be progressive. One has only to read the critiques of Marcuse (and others) of the American and Russian societies, the world's most developed nations, to know that under certain criteria material progress does not necessarily make a society progressive. What is crucial is the general intellectual and moral receptiveness to new ideas, to progressive change. It is "progressiveness" that leads to development, though economic development may, though not necessarily, spur progressive thinking. All too often, rich societies, like rich people, become complacent with the existing order of things without, of course, sating their appetite for "more of the same."

Social scientists tell us that the attainment of collective goals depends on any number of conditions, but the monumental achievements of mankind were made by men and women spurred by burning visions, unshackled by "inhibiting factors." On the other hand, civilizations have died not because of "conditions" but the complacency of those who inherited them. In any case, our country is not made of stone. It was a favorite paradigm of the past that the "Philippines was a beggar sitting on a mountain of gold." In plain words, in terms of resources and capability, the country had no excuse for being a beggar; what was really lacking was the vision and the will.

But as has been pointed out, the great task of economic development involves the energies of the many, and for the many who are poor, any involvement must meet the test of sin-

cerity: they must participate in whatever boons there are *now* so that they will *freely* offer their brain and brawn to achieve collective ends.

Are we to take from the rich to give to the poor?

Stated in these terms, the poor do not deserve the contempt of our charity. I was about to say that only the disabled poor deserves it, but that too would be a misguided statement. Unless a man be totally disabled, he has some useful work for society. Moreover, the question is simplistic. Very few taxpay-ers ask it, when it is evident that their taxes go to schools, hos-pitals, roads and bridges that they will probably have no oppor-tunity to use. In this respect, they are parting with their hard-earned money, or unearned increment, or in the strictest sense, "sharing their wealth." Again, here, the perspective is impor-tant: the millionaire who "parts" with three-fourths of his in-come still has a quarter of a million left while the poor wage-earner, even if he pays only a fraction, will nonetheless have a few pesos left.

No one—that is, no one except cranks—has seriously suggested that taxes should be abolished so that everyone can keep his money and pay only for the goods he uses: food, clothes, shelter, roads, power, police, telephones, bridges, medical care, etc—for the very simple reason that no one is wealthy enough to afford all these goods and conveniences *individually*. Social-ly and economically speaking, collectively—pooling resources in the everyday sense—is man's fate. In society, every man

is his brother's keeper. As Bernard Shaw once wrote in a telling passage:

“... St. Paul said, ‘He that will not work, neither shall he eat;’ but as he was only a man with a low opinion of women, he forgot the babies. Babies cannot work, and are shockingly greedy; but if they were not fed there would soon be nobody left alive in the world.”

It should dawn on us, therefore, that we are not doing anyone a favor by contributing our share—the share proportionate to our capabilities—to the sustenance, or, in this case, the remaking of society. To understand this is to be progressive.

Thus, the poor *seem* to contribute less—in monetary terms and not in terms of labor. I said, “*seem*,” for in the social aggregate, it is the contribution of the many who are poor which sustains society, not to mention the opportunities and comforts of the rich minority.

But the solution is not to dispossess the rich in order to elevate the poor. At this stage, at least, the elimination of economic inequality does not mean that the dockworker is going to reside in an exclusive village, dine on china, ride in an air-conditioned Cadillac, send his children to a private school, and wear imported suits. Equality in the sense of our progressive society does mean, however, that he is going to have his three square meals, a roof over his head, efficient public

transport, schooling for his children, and medical care for his family. Without these things, he cannot be very productive, trapped in a vicious circle: unproductiveness keeps him poor and poverty keeps him unproductive.

Over a period of time, in the pursuit of economic development, this same stevedore will learn to aspire to what are called, "comfort, leisure, and culture," which goes with economic development in a progressive society.

It is sad to say that there is now a "worker aristocracy," in the sense of the minority in the labor force which can obtain adequate food, clothing, shelter, and still a tinier minority which can claim to have obtained some amount of comfort, leisure, and culture. We can choose to call this an improvement of a segment of the poor masses, but, again, due to its number, as almost to constitute an exception, the same problem of social inequality prevails.

We have, therefore, to review thoroughly and in-depth our various existing welfare schemes, the structure of income distribution, in order to strengthen the egalitarian base of the New Society. There is little doubt in my mind that this is what many of our people want, in which case, they must lose themselves in the great enterprise of conquering mass poverty.

Our experience with welfare schemes, for example, taught us that the "principle of universality"—the indiscriminate distribution of welfare benefits without regard to need—actually works against the egalitarian principle. This form of "equality"

dissipates scarce resources without substantially alleviating the condition of the actually needy. There are cases of schools in areas where there are not enough students and from which students may conveniently ride or walk to another place which needed schools; medical benefits for those who could well afford their own physicians simply because they had been "taxed" for the purpose; or of recent experience, rice for areas which did not actually want them.

It is time, incidentally, that we understood *welfare*: the common misconception is that it is merely a more respectable word for *charity* since it is "dispensed" by the state. The truth of the matter is that *welfare* is *well-being*, maybe more but certainly not less, and the promotion of the well-being of members and citizens is the reason for the existence of society and the state. When the state, for example, puts the building of monuments before the production and provision of food for its citizens, that state does not exist according to reason. Monuments, of course, are important but they do not come ahead of food. Similarly, when the wealth of society, a great portion of which being in the hands of a few, is dissipated on magnificent mansions, luxurious cars, exotic foods and such other extravagances of "high life," while the majority of the people are virtually homeless, ill-fed, ill-clothed and ill-educated, society is a sham because it is outrageously indifferent to the welfare of its members. And this is the inevitable result of social or economic inequality.

Many explanations and justifications have been offered for economic inequality—from the idleness of the poor, the in-

dustry of ancestors and the demands of civilization—but all of them have been refuted by progressive thought. The most recent of these is that the rich, for all their extravagances and frivolities, do provide employment. I have always suspected that there was something spurious about this argument, but before I could probe deeper into it, my efforts were spared by a striking paragraph which with wit and wisdom exposed the fallacy.

It is no excuse for such a state of things (few-rich and many-poor) that the rich give employment (snapped G. Bernard Shaw). “There is no merit in giving employment: a murderer gives employment to the hangman; and a motorist who runs over a child gives employment to an ambulance porter, a doctor, an undertaker, a clergyman, a mourning-dressmaker, a hearse-driver, a grave-digger; in short, to so many worthy people that when he ends by killing himself it seems ungrateful not to erect a statue to him as a public benefactor. The money with which the rich give the wrong sort of employment would give the right sort of employment if it were equally distributed; for then there would be no money offered for motor cars and diamonds until everyone was fed, clothed, and lodged, nor any wages offered to men and women to leave useful employments and become servants to idlers. There would be less ostentation, less idleness, less wastefulness, less uselessness; but there would be more food, more clothing, better houses, more security, more health, more virtue: in a word, more real prosperity.” Our society is not so poor that it cannot provide for the well-being of all its members; we have only to accept what must be done in order to reduce

social inequality. It is certainly not by dispossessing the rich, nor, at the other extreme, by appealing to their social conscience alone. An economist has disposed of the fallacy that economic development *alone* reduces poverty and enriches human life: this can only come about through the intervention of the state, regarded, in this instance, as the collective conscience of society.

There was a time when the rich could maintain themselves against the poverty of the rest, but the rebellion of the poor has reduced this into an illusion. We are moving towards a social order in which before anyone could have more than enough, all must have enough.

The determination of what is enough can be a vexing question. As it has been said, one man's enough is another man's penury. But with the exercise of human reason, determined to be progressive rather than utopian, we can determine what poverty *is* according to the circumstances of our time. At the minimum, no one must starve, and there are many of us who can still say that "no one starves in the Philippines." We cannot realistically say, however, that no one must be without gainful employment, for in the next few years, we can only reduce unemployment—though, we hope, substantially. But we can say: "*No Filipino shall be without sustenance.*"

These are our prerequisites for the New Society to remain an *authentic* society. The political authority will establish the priorities and provide the mechanisms of equalization. But all of us, the entire citizenry, must provide the work and in some

cases accept the sacrifices, which sacrifices, however, shall not be in vain. This is our social contract.

### The Economic Society

The question arises: what kind of economic system shall we have?

Again, the tyranny of "systems." But when I say, economic society, the emphasis is on a *society*. We must, therefore, arrive at whatever system that will make the kind of society we want—the New Society—work.

Capitalism and Socialism have so many nuances and definitions that the layman is best served by eidetic definition—that is, by just pointing to the country which represents them, American capitalism or Russian socialism. No two capitalist countries and socialist countries are exactly alike. Within the communist world itself, accusations of revisionism and Stalinism are often heard.

Moreover, much of the debate between capitalism and socialism is polemical, and although some of the points are enlightening, there is still nothing more useful to us than our own experience.

Few people refer to our economic system as capitalist, the most that is allowed is that it is based on private enterprise, which is to say that the economic activities of the society are mainly carried out by businessmen, industrialists, traders and

merchants. In the old society, however, it was not unusual for certain businessmen to be in politics and certain politicians to be in business. On the other hand, the government itself was involved in certain economic activities, especially those of a scale in which private business could not get into. And if we come down to it, in a rather simplistic sense, there are also "communist" features in our society, for roads, bridges, parks, museums and such things are "held" and enjoyed in common. The proper question to ask of this system was whether it worked. I think that we can answer this in the affirmative, although it was not exactly clear what it *worked for*. Eventually, we found that it was only working for the few oligarchs, who were capitalists in the old style when business was good but who demanded assistance from the government when business was in distress. They were thus, sometime anti-capitalist capitalists.

Now we are trying to build a society in which economic activity promotes the interests of the individual and the welfare of the whole. Necessarily, the authority of government must be exerted whenever these ends are not being served. But it should be obvious that individual enterprise and initiative will play a significant role in the economic society. The distinction between the public and private sectors is formal, since each has its particular duties to the people and their society. But this should not prevent the two sectors from joining together in a common cause. What made the old economic system unacceptable was that the so-called partnership between government and private business resulted in an oligarchy rather than an egalitarian economic society.

This partnership should have resulted in the conquest of mass poverty, for that was its only justification. But such were the values of the old society that the partnership between the public and private sectors was, in many instances, a conspiracy to enrich and increase the power of the few. This is certainly not capitalist, according to the tenet that it is the most efficient and liberal way of making society prosperous. The solution to this is not necessarily socialistic.

The solution is the moral commitment—and the political will—to the aim of the New Society: the conquest of mass poverty.

## CHAPTER VII

### *Theory and Practice in the New Society*

**A**ny man of experience in government realizes the importance of theory in the lives of men and nations. Men act according to a set of beliefs, a "philosophy of life," most of them unconsciously; societies operate in a system which stems from a framework of beliefs such as an ideology, or framework of law such as a Constitution. It will be fatal—and certainly not practical—to ignore theory, as the historian Carlyle pointed out to a businessman when he said, "There was once a man called Rousseau who wrote a book containing nothing but ideas. *The second edition was bound in the skins of those who laughed at the first.*"

Finally, theory is a measure of conduct. In other words, theory and practice are judged in their relation to each other. For example, the great systems—communism and liberal democracy—are indicted by the theories behind them: Marxism and liberalism, mainly according to J. S. Mill. The Hungarian revolution and the Czechoslovakian uprising were undertaken in the

name of Marxism; the Sino-Soviet split reflects clashing interpretations of Marxist theory. On the other hand, democratic critics of liberal democracy say that it is "the rule of the politicians," or an "elite *sprung* from the people," thus indicating that democracy itself is *the rule of the few*—the politicians—except that it is in the name of the many. All this suggests that practice often fails theory.

In our case, therefore, we have the right to be judged by our own theory—our political and social theory. Moreover, this is not the vision of one man alone in our time, but one deeply ingrained in our national consciousness. ~~\*~~ The declaration of martial law, as I see it, had been anticipated long before I made my decision, although many of us hoped that things would not so deteriorate that it had to be necessary. But when the necessity presented itself, everyone accepted it.

The severest critics of Philippine martial law—and their number is diminishing—have to grant two things about it: its compelling necessity and its uniqueness.

~~X~~To recapitulate: the compelling necessity arises out of the seven grave threats to the existence of the Republic. These were the communist rebellion, the rightist conspiracy, the Muslim secessionist movement, the rampant corruption on all levels of society, the criminal and criminal-political syndicates—including the private armies—the deteriorating economy and the increasing social injustice. I have explained in detail the "martial necessity" of the decision in the first chapter.

\*Our martial law is unique in that it is based on the supremacy of the civilian authority over the military and on complete submission to the decision of the Supreme Court, and most important of all, the people. It is unique in that it does not seek to maintain the *status quo* but has instead brought about radical reforms. (In another book, I will discuss the highly technical and constitutional aspects of martial law for the benefit of legal and constitutional scholars, so that it will be clear that at every level of reasoning, martial law is (1) an imperative of national survival and (2) permissive of constitutional authoritarianism.)

I have always adhered to the idea that all revolutions, no matter what kind—whether Jacobin or democratic, violent or peaceful, bloody or constitutional—depend on their success on the initial and eventual support of the people. Accordingly, I immediately took steps to formalize the acceptance of martial law in the New Society through the adoption of a new Constitution, a plebiscite as well as a referendum which would manifest in unquestioned manner the desire of the citizens.

Thus, upon the approval by the Constitutional Convention of a new Constitution, I organized the barangays or village councils or citizens assemblies in the barrios (a barrio is the smallest political unit in the Philippines). I directed the new Constitution to be submitted to the barangays or citizens assemblies in a formal plebiscite from January 10 to 15, 1973. The barangays voted almost unanimously to ratify the Constitution, continue with martial law and with the reforms of the New Society.

This action was questioned in a petition filed before our Supreme Court in the cases entitled *Javellana vs. Executive Secretary* et al, G. R. No. L-36143, 36164, 36165, 36236 and 36283. The issue raised was whether I had the power to call a plebiscite; whether I could proclaim the ratification of the new Constitution. In raising this issue, the petitioners (who, incidentally, were Liberals or political opposition leaders) raised the fundamental issue of the power of the President under a proclamation of martial law to issue decrees.

Inasmuch as the issues in turn raised the question of the legitimacy of the entire Government and also to meet the insistent suggestion that, in the event of an adverse decision, I proclaim a revolutionary government, I decided to submit to the jurisdiction of the Supreme Court as I had done in the *Lansang vs. Garcia* case (already quoted) in 1971 when almost the same parties in interest questioned my powers as President to suspend the privilege of the writ of *habeas corpus*. (Refer to pp. 13-17.)

This would, at the same time, calm the fears of every cynic who had any misgivings about my intentions and claimed that I was ready to set up a dictatorship. For who is the dictator who would submit himself to a higher body like the Supreme Court on the question of the constitutionality or validity of his actions?

At the same time I wanted to emphasize the fact that the revolution which I was leading was a constitutional revolution. It was constitutional because it did not depart from the strictures or limitations of the old and the new Constitution.

Questioned most insistently was General Order No. 1 in which I had directed that I would exercise all the powers of government. I had suspended the sessions of the legislature in view of the manifested opposition of the people against the calling of an interim National Assembly. I created a military commission to try cases committed by persons charged with treason and subversion as well as related crimes.

Inasmuch as I, and all those who counselled me, were sincerely convinced of the validity of my position, I decided to submit unconditionally to the jurisdiction of the Supreme Court by appearing through counsel and answering all the issues raised before this highest tribunal of the country.

The Supreme Court upheld our position and in its decision of March 31, 1973, penned by Chief Justice Roberto Concepcion, ruled in this wise: "...all the aforementioned cases are hereby dismissed. This being the vote of the majority, there is no further judicial obstacle to the new Constitution being considered in force and effect." The new Constitution had been ratified by the *barangays* in the plebiscite I had called on January 10 to 15, 1973.

It will be noted that I had submitted myself to the jurisdiction of the Supreme Court in all cases questioning my authority

—in 1971 in the case of *Lansang vs. Garcia* on the question of the suspension of the privilege of the writ of *habeas corpus*, and in the case just cited on the proclamation of martial law as well as the other related cases.

There was, however, another question regarding my swift action on the Constitution, and I can understand how this must have bothered the legal “constructionists” among us. On November 30, 1972, I called a plebiscite after the Constitutional Convention had approved the new Constitution; this plebiscite was set for January 5, 1973. But on December 23, 1972 I suspended the plebiscite upon the petition of some parties, including jurists, who pointed out that a longer period was necessary to prepare the citizenry and inform them thoroughly about the Constitution. And yet right after I had suspended the plebiscite, I immediately organized the *barangays* and called for a show of hands regarding the new Constitution on January 10 to 15 this year. Why did I take this sudden decision?

I know that some old-society politicians thought it was their “eloquent” and “brilliant” opposition which precipitated my action. This was understandable, for they could not have imagined that a greater danger than their oratory was pressing upon the Republic.

 The truth was that martial law had peculiar ramifications in the Muslim areas, which were one of the sources of a three-pronged rebellion and conspiracy that included the communist rebels, the rightist conspirators, and the Muslim secessionists.

The dangers from the communist rebellion and the rightist conspiracy were checked in Luzon, but in Mindanao, as early as 1971 (or for that matter, even before this) other plans were in operation. As early as the summer of 1972, while Luzon was in near anarchy, Mindanao was being beleaguered by the activities of some 16,000 Muslim secessionists. Strengthened by foreign material and moral support, encouraged by the seeming impotence of government in Luzon, the secessionist rebels were planning an all-out attack to overwhelm government military installations in the Muslim provinces of Sulu, Zamboanga del Sur (including the island of Basilan), Zamboanga del Norte, Lanao del Sur, Lanao del Norte and Cotabato, and from there, take over all of Mindanao and Sulu.

As a matter of fact, as early as October last year—less than a month after the proclamation of martial law—the rebels in Marawi City (Lanao del Sur), *confusing their signals*, precipitately started the rebellion, overwhelming some Constabulary detachments. They burned the Philippine Army headquarters, took over complete control of the city—notably, the Mindanao State University, where the Japanese Ambassador, Toshio Urabe, was almost captured by the rebels—and cut off all radio and road communication to other parts of the province. In late February and early March, the summer plan of 1972 belatedly went into operation in Cotabato when 6,000 rebels overran most of the towns, threatening the IV Philippine Constabulary Zone headquarters in Parang as well as Cotabato City, destroyed the bridges and immobilized all transportation within the province.

Before that, Basilan island was almost completely occupied by several thousand other rebels; Zamboanga del Sur was plunged into a state of turmoil. Again before January, government troops had practically lost the province of Sulu, except for the *poblaciones* (towns proper), to numerically superior rebels and secessionists. Only the superior training and courage of government troops, their heroic and alert leadership, and the support of both Muslims and Christians, organized and doing battle as self-defense and strike forces, turned the tide and recovered most of the beleaguered areas for the Republic of the Philippines.

What relation do these apparently strictly *military actions* have on my decision for a quick ratification of the Constitution? The answer is that these military events were dominated by a *political plan*. The Muslim secessionist rebels had somehow convinced their financial supporters abroad (openly identified in the international press) that there was a civil war in the Philippines and this was an ideal condition for establishing a government separate from that of the Republic of the Philippines, allied, if necessary, with a neighboring country. This step would be followed by a demand from the United Nations Security Council for the right of self-determination, following the formula that successfully set up Bangladesh as a state independent of Pakistan. The date set for the accomplishment of the plan was January 1973.

The plan was almost a political masterpiece. My options were few. The hostile reaction of the American press to the declaration of martial law destroyed for us any immediate

expectation of United States aid—at the time that we badly needed it. And then, of course, the assaults in Mindanao were calculated to divide our forces between Luzon and Mindanao. The political plan, along with its clever, if crude, military strategy, might very well have worked if I had vacillated about the risks of immediately ratifying the Constitution. The danger of a supposedly separate and independent shadow government set up in one or another municipality in Mindanao was apparent, and would at once place in doubt our sovereignty in the area.

The only possible maneuver dictated by the national interest was to meet this incipient “splinter state” with a government and a republic duly supported by the great majority of the people, *especially the Muslim citizenry*, operating under a Constitution of their own making and already ratified so as to be enforceable by the government.

Time, of course, was of the essence. The secessionist plan had been set back a few months, but our intelligence sources from the rebel camps were quite certain that the secessionists were determined to follow through their plans—especially that of setting up a separate government—before the end of January this year.

More than anyone, I knew the vulnerability of the Philippine Republic in the Muslim areas; martial law was a success in the rest of the country, but our southern backdoor was *strategically vulnerable* to the secessionists. An excruciatingly careful estimate of the situation convinced me that if the entire citizenry,

including the residents of the Muslim provinces, were to approve the new Constitution by a show of hands through the *barangays*, this would dishearten the rebels and the secessionists, commit the fence-sitters, and derail the plan for separation.

I could only achieve this advantage by pushing through the *barangay* plebiscite by the middle of January. Necessarily, some formalities had to be set aside, such as the secret or written ballot and allowing a month or two of full discussion on the Constitution.

I was taking a legal and constitutional gamble, to be sure, but at stake was the integrity of the sovereign state rather than a technicality of law.

As it turned out, however, the results of the plebiscite, no matter how much it was questioned by a few, achieved the purpose I had envisioned. The secessionist plan was upset.

Obviously, neither armed might nor exhortation would have sufficed to save the integrity of the sovereign state had the secessionists succeeded in their plan to install a separate "sovereignty." On the other hand, prudent statesmanship constrained me from revealing to our people the full dimension of the danger to themselves, their country, and their progeny.

\*Having proclaimed martial law, I was also responsible for its repercussions. The step that I took is, to my mind, a clear case of the Constitution saving the Republic of the Philippines.

We, therefore, now have a basis for the formalization of the political base of the New Society. We also have the foundation of the legal structure of this society.

\* No matter how we may explain and elucidate, the feeling and sense of some, and this was conveyed to me, was that the proclamation of martial law on September 21, 1972 had eroded the old structure of law and there was need to rebuild a new one. If there were any further misgivings, the new Constitution was such a basis or foundation for the new structure of law that would govern the New Society.

To comply with my promise to consult the people periodically on matters of gravest import, I further called a referendum on July 27 and 28, 1973 on the single question as to whether the people wanted me to continue beyond 1973, to accomplish the reforms that had been started under the new society and under the new Constitution, although the new Constitution which had been upheld by the Supreme Court provided that I could stay in office beyond 1973, the end of my presidential term under the old Constitution.

\* I had directed that the effects of martial law be suspended sometime before and up to the referendum so that the secrecy of balloting in writing which I had ordered may be truly expressive of the will of the people through the *barangays*.

The new Constitution had provided that all persons 18 years old or over, whether literate or illiterate, were qualified to vote in elections. I had gone further; drawing from our custom in

ancient times when those who were 15 years old were allowed to protect the villages and stay on guard while the older men went out to meet the enemy in battle, I authorized 15-year-old citizens to vote in the referendum last July, as I had done in the plebiscite of January. The Commission on Elections which conducted and supervised the referendum of July, however, tabulated the results so that the votes of those aged 15 to 17 were separated from the results of the balloting by the other voters, 18 years old or older.

From this point on, the barangay officials became the representatives of the people. In my speeches and in meetings with these officials I emphasized the fact that they had taken over from the members of the defunct Congress or *ad interim* National Assembly that was yet to be called under the new Constitution.

When the nation is confronted with a crisis, as when we faced the shortage in rice, the barangays are called upon to participate in instilling discipline among our people. This they have succeeded in doing.

\* Every step taken in the martial law situation was measured according to the recognized desires and wishes of the greater number of the Filipino people. Dismantling the communist rebellion and the rightist conspiracy, for example, took the "classical" form of surveillance, apprehension, detention and public trial although I immediately granted amnesty to those accepting it; the Muslim Secessionist Movement was met—is being met—with full consciousness that our Muslim brothers

must be integrated into the national community. But considering that all these rebellions and conspiracies have their roots in the social situation, martial law has to proceed further to build a new society. As I emphasize in *Today's Revolution: Democracy*, nothing less than a revolution from the center could reshape Philippine society, unless we are willing to submit ourselves to the rule of an alien ideological system. But the democratic revolution could not proceed at the old pace, *in the old society*, simply because that society—left to itself—had become impotent to reform itself.

The only remaining resource was the political will, which resides in the leadership of the government of the day.

As had been planned in 1971 when the plan for the renovation of our society was submitted to our people, we are now moving in these areas:

1. Peace and order
2. Land reform
3. Educational reform
4. Economic reform
5. Social Services
6. Political reform and government reorganization

We had to restore civil order as the bedrock of any constitutional survival. Civil order is merely the rationale of all societies: enforcement of and obedience to the law.\* Thus, when I decided to place the entire country under martial law, my first concern was not only to secure the Republic against any uprising, politi-

cally motivated or otherwise, but also to secure the entire citizenry from the criminal elements, the private armies bred by local politics, and the outlaw bands in the countryside, who might either take advantage of the temporary panic or undermine our efforts to assert the authority of our police forces. It was imperative that we dismantle not only the apparatus of the insurgency movement, but also the whole system of violence and criminality that had virtually imprisoned our society in fear and anarchy.

Like all the problems of Philippine Society, the problem of civil order was awesome, for it had been allowed to accumulate through centuries. The inequities of the system abetted crime incidence and the proliferation of criminal elements. The restoration of order, in the context of the problem we faced, could not be the work of a day, a week, or a month, but the immediate results of the campaign were unexpectedly phenomenal. The statistics attest to this. A total of 523,616 firearms were confiscated in the first nine months alone (in the old society, according to the military, it would have taken us 40 years to collect these). One hundred forty-five private armies were disbanded and disarmed, and a good number of their political overlords were placed under detention. Twelve thousand criminals, suspected of crimes varying from petty theft to murder, were apprehended. Some ₱32 million (about \$5 million at the rate of ₱6.5 to the U.S. dollar) worth of illegal drugs were seized, and the members of the vice rings were taken into custody. So successful was the peace and order campaign that the crime rate dipped to

zero in the early days of martial law. To this day, the war against the criminal elements continues; I am not content with merely reducing crime, no matter how substantially, but with eliminating it. And we see only too well that civil order can be firmly maintained only with the improvement of social and economic conditions.

The campaign to restore order in Muslim Mindanao has been successful precisely because of the understanding demonstrated in dealing with the rebels. At the same time there has been a complementary effort to alleviate social and economic conditions in the Muslim areas. We matched the forcefully military solution with attractive benevolence and a socio-economic development program. Besides meeting fully the threat of 16,000 armed rebels aided by foreign forces and arms, I treated the rebels as brothers. I released the captured leaders of the rebellion. Negotiations for surrender were as important to me as the plans of the military for battle. I personally attended to both. Of course our starting point was the courage and patriotism of the Filipino soldier, who, although outnumbered and often initially surrounded by superior enemy forces, upheld the traditions of his race by refusing to give ground and fighting on even unto destruction.

I created a Presidential Task Force headed by the Executive Secretary, Annapolis graduate and former navy man Alejandro Melchor, to work on channeling most of our borrowed funds from international institutions (running into hundreds of millions of dollars) into the Muslim areas for roads and bridges,

settlements, electrification, schoolhouses, credit for both agriculture and industry and economic projects like fishing, fishponds and seaweed culture and trade.

I opened up trade between Sulu and Sabah, allowing what would otherwise be smuggling under our laws as the goods paid no duty.

All rebels who surrendered with firearms were extended loans with which to start life anew.

The Muslim dialects were used in primary schools, Muslim customs, traditions and laws were studied for incorporation into Philippine law.

Marriage customs and ceremonies were recognized.

Four thousand scholarships on the college level were offered to qualified Muslim youth.

The Muslim Amanah Bank was organized, with a ₱100 million capitalization.

A delegation of Foreign Ministers from Saudi Arabia, Libya, Somalia and Senegal were invited to see for themselves the efforts at the upliftment of the Philippine Muslims.

The hopeful signs of development in Muslim Mindanao are evident today. The local governments have been strengthened. Infrastructure projects are injecting new life into the economy of the region.

The institution of social reforms, to benefit the broad masses of our people, formed a complementary concern to the restoration of order and the securing of the Republic. The priority program, it was clear, had to be land reform. For decades, the necessity of agrarian reform had been stressed to our politicians, but not until the "September 21 Movement" could this reform be carried out in the manner that it should.

On September 26, 1972, five days after the proclamation of martial law, I signed Presidential Decree No. 2, proclaiming "the whole country as land reform area," in the belief that the objectives of the Agrarian Reform program set forth in Republic Act No. 3844 would be sooner realized through this decree.

The following month, on October 21, I signed Presidential Decree No. 27, emancipating the tenants from the bondage of the soil, transferring to them the ownership of the land they till and providing the instruments and "mechanism" for such emancipation.

With these two decrees, the government set into motion the massive overhaul of the system of land ownership in the Philippines, and at last land reform ceased to be an unrealized dream in our society.

There are nagging problems, to be sure. The small land-owners must be given just treatment—that is to say, they cannot be treated in exactly the same way as the big landowners or inheritors of large estates. An amendment to the provisions of Republic Act 3844 was made in Presidential Decree No. 251,

and it provided for a new system of compensating the landowner. Six modes of payment, all designed to provide fair compensation, are indicated in this amendment. Six hundred million pesos has been set aside for the compensation of the small landowners, who comprise the majority of those whose landholdings had been affected by the land reform decree.

As of the end of December 1973, the government had issued around 250,000 land transfer certificates covering an area of 360,000 hectares worked by 200,000 tenant farmers. These accomplishments, however, cover only rice or corn lands 50 hectares and above in size. At the moment the land transfer operation has been brought down to the 24-hectare category.

The targets are one million tenant-tillers and 350,000 landowners in a total of 1,767,000 hectares of tenanted rice and corn lands.

We are rapidly converting mere sharecroppers to small agricultural entrepreneurs.

But by no means is this the sole aim of the land reform program. I have spent some time drafting an Agrarian Code which, like the Labor Code in its own area, encompasses the whole broad territory of agrarian life and land tenure, with its numerous problems and aspects which need now, after decades of neglect, to be integrated and harmonized.

The Agrarian Code thus concerns itself with an entire package, not merely land reform. I refer to agricultural extension services, infrastructure support, farm-to-market roads, rural

credit, cooperatives, electrification, cottage industries, human settlements, and the like. The Code, in short, embraces all those endeavors related to farm productivity, the marketing of produce, grain processing and storage, and the promotion of sound community development.

At the same time, to ensure that land reform would not stop at mere ownership for the tenant, a system of rural credit has been extended to the Filipino farmers benefitting from the decree, and a nationwide agricultural cooperative movement has been launched. A total of about ₱300 million in rural credit has been extended under a specific project—Masagana 99. The Philippine National Bank with 98 mobile stations actually delivered the money at the farmers' doorsteps by banca (dugout canoe), helicopter or by jeep. About 50 rural banks farther participated in the nationwide effort to finance the farmers. The cooperative movement, it must be emphasized, should be seen as an integral part of the land reform program, for the individual farmer cannot do it alone, if production is not to suffer. To this end, every effort and assistance is being extended by government to mobilize the farmers into viable cooperative communities, which can displace the farming estates of the old order. Such government and civic programs as the propagation of the rice varieties of IRRI (the International Rice and Research Institute), the Green Revolution, Masagana 99, and Palayan ng Bayan, are all designed to render assistance to the farmer communities, to increase production, and to enhance the possibilities of cooperative farming. As of today, all provinces have organized their Samahang Nayon or Barrio Cooperative.

The recent rice crisis, for instance, has been an occasion—unlike in the past—for moral resurgence on the part of the people. For the first time, it has been treated not as a political problem but as an economic problem. Rice has to be produced or bought; in either case, its surplus depends on our effort. We have to put the pressure on traders and dealers to ensure efficient distribution of rice supplies, but as I told our people last August, “the shortage cannot be met with anger and rioting and damning anyone, but by discipline. Everyone should buy only what he needs. If we want to eat, let us work.” And the people responded. Farms and gardens are springing up everywhere.

We must realistically recognize one principle: it is far better to face problems which arise out of reform measures than to allow the old problems to grow and overwhelm us. Solutions tend to beget further problems. But we must meet the problems created by reform with vigor and enthusiasm, for we are bound in this way to solve them.

Social reforms also mean the increase of the minimum wage. But again we must realize and understand that before we can talk of higher wages, we must first apply ourselves to production. I sought the counsel of labor itself on this matter and we agreed. Our rewards lie in our productive capacity. However, this principle must never be allowed to justify exploitation of the working masses. This is the enduring basis not only of industrial peace but of social progress.

As for the national economy, one of its basic features is the active "governmental participation and management in economic planning and implementation as laid down by a constitutional office, the National Economic Development Authority." One of the first steps taken by government was the establishment of a "free flow" policy, in which foreign investments may be repatriated any time, profits remitted, and "frozen" dollars allowed to be withdrawn. This policy attracted a flow of foreign investors.

It can no longer be said that our economic development efforts are anarchic, uncoordinated and unplanned. As a consequence, the two most important resources, human and natural, are being properly and efficiently mobilized for development.

The socio-economic program has become the total answer to our problems.

As I have clearly indicated in the body of this treatise, the conquest of mass poverty is our fundamental goal. Progress shall not be measured merely by the cold, impersonal statistics of the gross national product, but by the individually meaningful and tangible improvement of everyone's well-being. This is the driving philosophy behind the economic program that the Four-Year Development Plan translates into specific, operational terms.

Our objective is the establishment of a balanced agro-industrial economy. But the pursuit of this objective goes hand in hand with the efforts to achieve our social goals.

Thus, while agricultural development has been concerted and unrelenting on all fronts—land reform, food production, cooperatives development—we have with equal energy taken firm steps to meet the long neglected need of processing our agricultural products into semi-processed goods through the establishment of more factories and industries.

The Board of Investments and, later, the Department of Industry were organized.

I have set aside more than a thousand hectares for a duty- and tax-free Export Processing Zone in Mariveles, Bataan where factories and a new city are springing up vigorously.

As a counterpart of the Land Reform Program, the Cooperative System, national electrification, cottage industries, national irrigation systems, rural credit, compact farming and other agricultural projects, I have directed an emphasis on the establishment of small- and medium-scale industries in the countryside.

The potential for the rapid growth of small- and medium-scale enterprises is decidedly great. One need only compare our industrial activity at these scales to those of other countries that are similarly situated to see the importance of these industries. Small- and medium-scale enterprises, for instance, form the backbone of Taiwan's export-oriented manufacturing activities.

More important, and this we realized as soon as we started reassessing our old plans, are the opportunities offered by these enterprises through their higher labor intensiveness and efficiency in the use of capital resources. More employment opportunities for our extant labor surplus and wider participation in productive activities by more income groups and by regions are possible through a program for the establishment of small- and medium-scale enterprises.

That this is indeed not only a necessary but also a priority program is confirmed by the Comprehensive Survey of Employment by the Commission under the International Labor Organization (ILO) headed by Dr. Gustav Ranis of the Yale University Economic Growth Center.

To finance this important part of our industrialization effort in the rural areas, ₱500 million has been set aside by the Development Bank of the Philippines.

The purpose has been to spread technology, financing and industrial activity to the provinces and the barrios (or villages).

We are moving in full stride to meet the demands of heavy industry. The Iron and Steel Authority is preparing the ground for the establishment of an adequate integrated iron and steel mill that will process iron ore, coke and limestone to finished steel products. This blast furnace will have a capacity of two million metric tons a year, twice the present demand for steel of one million tons.

Copper smelters, to be operational by 1976, will also be set up.

Also to be operational by 1976 is an iron sintering plant being established in the province of Misamis Oriental, with a capacity of five million metric tons a year.

The Reynolds International has submitted proposals to set up an aluminum smelter. An Australia-based consortium of various nations proposes a related industrial complex.

We are likewise giving new importance to other programs. Under the program for basic and resource-based industries are mineral exploration, processing and wood-based industries. The next four years, covered by the current Development Plan, will witness the release of more lands with high exploitation potential for minerals. The establishment of a copper smelter-refinery plant is also to be undertaken within the period.

The program for wood-based industries emphasizes greater processing of domestic logs for export and a gradual reduction of log exports over the next four years. To sustain the wood requirements, intensified reforestation will be undertaken in more than 120,000 hectares all over the country.

In the meantime, the demand for wage or essential goods is expected to continue to expand. To meet this demand adequately wage goods industries shall be given due emphasis. The program includes the upgrading of local textile industries and

the encouragement of food processing such as cereals, meat, fish, and dairy products.

Greater interdependence between agricultural and manufacturing industries shall also be actively promoted. This will set in motion a two-way flow: agriculture supplying industry with its raw materials, as in the case of food processing; and industry supplying agricultural inputs, such as fertilizers and farm machines.

The promotion of engineering industries is another important aspect of our industrialization program. This calls for a progressive increase of domestic content in engineering products. Thus, in the progressive car and motorcycle manufacturing programs, domestic manufacture of components will be encouraged through sub-contracting arrangements with small- and medium-scale manufacturing enterprises. In addition, a 10-year shipbuilding program has been adopted to meet the needs of domestic coastal commerce.

At the same time the government itself participates in the intensive search for oil, gas and other sources of energy, although in the drilling for oil, service contracts with the oil majors as well as the independents are preferred.

The oil crisis that the world has been experiencing has, on the other hand, sharpened our awareness that we must endeavor to develop every other possible source of energy. Like most other countries, the Philippines is heavily dependent upon oil—in

our case, 92 per cent of our energy requirements are supplied by oil-fired plants. We are consequently turning our efforts to harnessing geothermal, hydro-electric and nuclear power.

Our first geothermal power plant—in the province of Albay—has already been partially energized. More such projects are being developed in a number of other provinces. Our estimated hydropower potential of 18 billion kilowatt hours is the object of accelerated work in this area. Construction of the first nuclear power plant, with a capacity of 600 megawatts, is now underway, and will be followed by ten more in the next 20 years or so.

By the 1980's our heavy dependence on oil as a source of energy will cease.

We are preventing further migration to the urban centers, if not actually reversing the trend and decongesting them instead, by making the provinces as attractive to investors, industrialists and workers as the cities, if not more so.

We have systematized the big industries, such as oil, steel, construction, cement, textile and food.

I have directed the dispersal of new large-scale factories.

These efforts are premised on the lessons we have learned from past development thrusts. As in the last two decades we still hold that industrialization is necessary for over-all development. But we now realize that industrial development must not be pursued in isolation of our other objectives.

Industrialization shall be pursued not as an independent and parochial end, but as an integral part of our social and economic objectives. To develop the industrial sector, we have adopted means which shall likewise bring us closer to the attainment of our other goals.

We realize only too well that in the quest for progress, no nation can do without science and technology. In the Philippines, the reasons for intense research and technological advancement are more compelling today than at any other time in the past. The worldwide food shortages and energy crisis, together with the dangers that the future holds because of pollution and population growth, have summoned the nation to maximize its efforts in science and technology as a measure of national survival.

The International Rice Research Institute, initiated by the Philippines, produced the original "miracle rice" (IR-8) which has increased rice production two to three times and propelled the worldwide "Green Revolution." Known around the world to be funded by the Ford and Rockefeller Foundations, the IRRI in fact was launched with an initial amount given by the Philippine government and obtained impetus and momentum from the efforts of our own researchers. From the IR-8, Filipino researchers moved on to atomic radiation of certain rice mutants and produced two varieties of rice, the Parc 1 and 2, which have even higher yields. The IRRI has in its so-called germ plasm bank the world's biggest collection of rice varieties (15,000).

The food crisis likewise motivated Filipino researchers to develop new breeds of high-yielding poultry and swine. The Mindanao State University succeeded in producing shrimp fry under laboratory conditions, a worldwide "first," and through subsequent pilot projects in shrimp culture, such as the one in Leganes, in the province of Iloilo, developed a method of producing 10,000 kilos of shrimp per hectare.

Sea farming is being developed on a wide scale.

The Philippine Coconut Research Institute has also developed a new fertilizer which has increased the annual harvest of coconut from 35 to 135 nuts a tree.

As a result of its vastly accelerated farm technology, the Philippines has become the center of post-graduate studies in agriculture and the center of mechanized farming in Asia.

In response to the energy crisis, we are moving steadily to the development of non-fossil sources of power. Hydropower, on the other hand, now provides less than 30 per cent of our total energy requirements. Our program for geothermal power has already put one plant in operation, with several more underway in other provinces. Besides generating power, underground volcanic heat is now also being utilized to produce high quality industrial salt on a commercial scale.

Nuclear power plants are now being laid out at several points to augment the hydroelectric and oil-fired plants. The first two 600-megawatt nuclear plants will be completed in

1982 and 1985. Nine more of similar capacity are scheduled for completion up to the year 2000.

Encouragement is being given in increasingly larger measure to Filipino inventors, who have responded by developing inventions which are now proving invaluable in agriculture and industry. Filipino experts in the natural sciences who are living abroad are now being encouraged to return to the Philippines.

Aware of the bounties of nature but also mindful of its limitations, we are likewise turning to science to help us fulfill a vision of the future in which man and his environment are in harmony. In planning human settlements, we must maintain that ecological balance which would safeguard communities from suffocation or intolerable stress and thus provide for an acceptable, if possible high, quality of life. I believe science and a sense of humanity together will provide this equilibrium between social opportunity and environment.

I have accordingly created the Zoning and Human Settlements Commission to mark out areas for new towns and plan not only the infrastructure for comfortable living like housing, schools, markets, roads, parks and amusement areas, but also employment and sources of income.

As I said on July 3, 1973, when I announced the adoption of the Four-Year Development Plan for Fiscal years 1974-1977, "This is the Development Plan of the New Society—that we are committed to forge for the nation." Its objectives are six: to attain a more equitable distribution of income and wealth, to

expand employment opportunities, to promote social development, to stabilize prices at reasonable levels, to accelerate economic growth, and to promote regional development and industrialization.

Our performance in the monetary, credit and financial sectors made me conclude that the groundwork had been laid and the stage set for the vast undertaking.

A stable monetary, credit and financial system is, after all, a *sine qua non* for any attempt at take-off for such an ambitious economic program: a vigorous financial structure capable of sustaining impetus and providing the massive funding and related requirements for such a program is vital before a start should even be contemplated.

Looking back at the record, among other things it can be said that September 21, 1972 marked the turning point for the Philippine economy. This is not to say that a miracle occurred overnight. The record shows that martial law was the catalyst that brought into fruition all our efforts at revitalizing the economy. This began earnestly in February 1970 when I approved adoption by the Government and the Central Bank of a rigid stabilization program that featured the then unpopular "floating rate" system of exchange administration. Attention was concentrated on strengthening the country's monetary and financial structure, and incentives for growth and expansion of exports and promoting foreign investments, both loans and equity, were set in motion. The need for strengthening these

areas had long been recognized; corrective legislation and policy measures, however, suffered from constraints inherent in the old order of anarchy, violence, vested interests and of political orientation. Investments, both foreign and domestic, faltered for want of faith in the capacity of government to assure them of security, stability and assurance of freedom from undue restraints in capital movements. Martial Law and the New Society provided the key to performance.

The climate of peace and order, the extirpation of graft and corruption in centers of government control and removal of bureaucratic red tape gave rise to an economic performance, particularly in the external sector, unparalleled in our country's history. This is best evidenced by the fact that our international reserves rose from \$221.5 million, the level on September 21, 1972, to \$835.96 million as of December 20, 1973, of which Central Bank holdings amount to \$978.18 million, offset by the negative position of the commercial banking system amounting to \$142.22 million. If we add to the gross holdings of the Central Bank the \$441.19 million in dollar deposits (\$342.3 as of September 21, 1972) in the foreign currency deposit system which I approved to be established in July, 1970, we now have foreign exchange resources of \$1,419.37 million available for our current needs. This gives us strength to cope with present uncertainties in the international scene caused by the energy and food crisis.

The atmosphere of confidence generated by the New Society has made possible commendable performances by other sectors of the government, notably the fiscal sector which consistently

registered surpluses in operations against a backdrop of chronic deficits in pre-martial law days. This mirrors the results of an efficient tax administration and collection system hand in hand with cooperation of a citizenry now witnessing in concrete, everyday terms the accomplishments of government made possible by the taxes that they pay. A most dramatic turn of events was the increase of the number of income tax filers from 1,500,000 persons to 4,500,000 persons.

The New Society has made it possible to embark on a program of funds mobilization through a sustained national savings campaign by both government and private sectors. Steps have been taken to prevent undue expansion of money and credit and to check unwarranted inflation. All this makes it possible to provide and expand credit on a supervised and geographically dispersed basis to assure availability of funds—financial fuel—that will yield increased food production and promotion of small- and medium-scale industries, vital factors in the attainment of our national goal of self-sufficiency and supply of goods to every citizen at reasonable costs.

But even before the adoption of the Development Plan, we had taken steps to halt the deterioration of the economy and set it on the right course. The restoration of civil order enabled us to make tourism an important economic resource. Economic equality, in a large measure, was accomplished through various “tax amnesties,” thus taking out of hiding what is truly the “wealth of society.”

The climate for foreign investment has considerably improved partly because of the restoration of civil order and partly because of our new policy on repatriation of capital and remittance of profits. Prior to the declaration of martial law, applications for licensing new foreign investments had a total value of ₱99.5 million. In the eleven months after martial law had been declared, applications for new foreign investments totalled ₱237.9 million, or more than twice the pre-martial law figure.

In the past, the two conditions, civil order and our new investment policy, were not present. It had been the practice of certain opposition officials, most of them playing up to the oligarchs and their controlled media, to denounce all foreign investments in the name of nationalism irrespective of our capital and other deficiencies. But their actual purpose was merely to obstruct the success of the government of the day, even if this meant misguiding the nationalist sentiments of our people.

If there is one signal achievement of the New Society, it is that the government has been able to accumulate capital resources through both internal and external means. Mobilized properly, these savings will surely go a long way in providing the necessary incentives for both domestic and foreign investments. After all, the primary role of government in any developing country is the accumulation of capital. And today there is an air of energetic activity everywhere. Over the first ten months of 1973 alone, exports increased by 60 per cent over the level of the same period in 1972; 23 per cent of this being non-traditional exports.

Indicative of the activity in agriculture is the utilization of fertilizer. In the last three months, the country used twice the amount of fertilizer expended during the whole year before martial law.

More mines had been opened in the last ten months than in the ten years before that.

Oil exploration has increased tenfold.

In the labor field, industrial relations have been streamlined to promote development as well as assure peace based on social justice. Out of about 6,000 labor disputes and grievances in 1973, 5,000 were actually settled by arbitration. At the same time, the whole range of economic and social policies was reoriented towards employment generation.

I also signed into law a new Labor Code.

In the Old Society, many labor laws were enacted not because they were designed to be enforced for the benefit of the workers but to earn for the lawmakers a measure of fame or immortality. As a result, the statute books were clogged with unenforceable laws, the effect of which was to arouse hopes that were sure to be disappointed. But more than that, unenforceable laws enacted in disregard of the real world delivered employers to the mercies of unscrupulous labor inspectors. The result was that the labor laws, impressive on the surface, failed to help the workers, served as a strong disincentive to enterprise, and penalized the entire society by frustrating economic and social development.

Early during the onset of martial law, therefore, I directed the Secretary of Labor to compile the decrees and orders I had issued amending our labor laws and to put them in the form of a Labor Code. This Code was thrown to a three-day Labor-Management Congress on the eve of Labor Day, May 1, 1973. The Congress after strenuous debate ratified the draft Code. I signed the code into law on Labor Day, May 1, 1974, after I made further revisions, much of which had been dictated by the successful experience with expeditious labor justice under Presidential Decree 21 which created a National Labor Relations Commission mandating compulsory arbitration. Labor unions are encouraged to integrate and collective bargaining encouraged.

The Code, as now signed into law, makes the labor laws simpler, more development-oriented and more employment-oriented. At the same time, they have been rendered more enforceable. The permit system has been dismantled. The main, overriding principle behind the Labor Code is to expedite justice and by doing so, to remove stubborn obstacles to both development and social justice.

The media have been moved out of the government control that is traditional in martial law. They are supervised and controlled by the Media Advisory Council composed wholly of representatives of the private sector. The chairman is the president of the National Press Club, the members drawn from the ranks of the various sectors of media—one representative each from the Manila Overseas Press Club, the print media,

the broadcast media and special media. This is media's self-regulatory body.

However, there is a sense in which these facts would be mere abstractions to the majority of our people. The test of any theory—or policy—is its practical consequences on the life of every Filipino. We have not, therefore, forgotten the expansion of the social services.

The Medicare program, which started in January, 1972, has already provided benefits to 584,099 persons, 303,307 of whom are members and 280,732 legal dependents. Under the second phase of the program, now underway, coverage will be extended to individuals who are *not* members of the Government Service Insurance System and the Social Security System. This is intended to cover practically one half of our entire population. By Decree, I have likewise extended Medicare benefits to some 60,000 government retirees over 60 years old, and added new benefits. Private hospitals have been directed to set aside ten per cent of their bed capacity for Medicare members who would depend entirely on Medicare benefits for hospitalization.

Government financial institutions, like the GSIS and SSS, are providing funds for low-cost housing. In addition to providing new dwellings, the government is undertaking land development. It is also helping the private sector with finances to put up housing and land development projects.

Rural health units and sanitation services are being rapidly expanded.

Through a number of volunteer services, the development effort is getting added propulsion. At the same time the sense of self-reliance is being introduced where it will count most—among the youth. Under the department of education's Youth Civic Action Program, for instance close to half a million students and pupils and out-of-school youths have participated in summer volunteer activities, such as environmental sanitation, home cleanliness, beautification, and food production. College graduates must spend three to six months of community development work in rural areas before they receive their diplomas.

Under the Cooperatives Development Program and the complementary Cooperative Insurance System of the Philippines, the agrarian reform program is receiving the benefits of bulk marketing, farmers are discovering capabilities in management and planning, and the economy is setting itself free of old tyrannies. *Samahang Nayon*, the first phase of the cooperatives program, will soon cover 25,000 barrios.

To rid the economy of the costly manipulations of middlemen, assure food producers of a steady market and bring food products at reasonable costs to consumers, we have set up and recently expanded the Terminal Food Market of Manila. Located on a 120-hectare site, the TFM with its core facilities is giving practical meaning to the Green Revolution and the government's overall food self-sufficiency program. It becomes the bridge between the producer cooperatives and the consumer cooperatives.

In no way is the state doling out "charity," rather it is managing the economy and the public service in such a way that the ordinary man can enjoy the fruits of his labor and the rewards of social discipline.

In tune with this thinking is the Development Academy of the Philippines.

One of the newest institutions established in the country today, unique in its own right I daresay, is the DAP, an organization that has both feet into economics and education. The Academy is many-faceted although basically a teaching organ, and is fully geared to assisting in the orderly development of the nation, so that the process of modernization will avoid the pitfalls all too evident in the histories of other nations, pitfalls such as the unevenness of growth, the inequities in urban and industrial development, the shock sustained by the environment from uncontrolled development, etc. The DAP is into all of this, as observer, consultant, researcher, and participant in special fields.

What the DAP is all about may be best appreciated from some of its early involvements. For example, in agriculture the DAP was initially concerned with providing irrigation and complementary services to groups of barrio farmers, and simultaneous with this, it was promoting and coordinating the growth of medium- and small-scale industries. It is also concerned, and this is central to its existence, with the development of career executives in the public service. Equally important is the human

settlements task of the Academy, which would pace the rational development of Philippine communities, including such facilities as ports and airports, the delineation of regions, the designation of tourist areas, and the charting of the planned development of town, city and barrio. The scope is quite broad, covering virtually every essential concern of development, including health, welfare, housing, rural transformation, the promotion and diffusion of industrial productivity, and the systematic dissemination of development information in aid to decision-making and to light the way forward for various programs. Finally, the DAP is called upon to take a long view of the nation's future, taking into account problems in population, resources and the environment, not to mention the concern for protecting, indeed deepening, the welfare of the people as against mere concentration on increasing the gross national product. In a real way, the DAP is concerned with sharpening the nation's insights for survival as well as for development.

We have, of course, strengthened the study and research work of the universities in problem areas of government.

In the end, however, we rely on the political will, which makes political reforms imperative. Constitutionalism remains the basis of the present government, constitutionalism that reaches down to the humblest level of the citizenry.

The *barangay* is not the restoration of an ancient political institution, but the basis of a new institution whose origins are indigenous to our race. It is truly Asian in that the Indonesians

and the Chinese, for example, have similar institutions which have been adapted to their present needs. Call it "village council" or "village democracy." There is no question that our people have taken to this "revival," which is actually a constitutional innovation, with enthusiasm and responsibility. I look forward to a time when the *barangays*—the citizens assemblies—can legislate for themselves on matters of immediate concern, so that the democratic cry of "power to the people" will have authentic validity.

Out of the *barangay* concept, we have realized the ancient dream of political philosophers: the enfranchisement of the entire adult population, regardless of literacy. Through the *barangays*, every adult Filipino, from the age of 15, may express his will and cast his vote. At the referendum in July 1973, this meant 22.3 million registered voters—twice the registered voters (11.6 million) in the last elections before martial law.

Universal enfranchisement makes the politics of the New Society a real achievement in participatory democracy.

This is the democratic political revolution.

There is another dimension to the emergence of the New Society, and this is the support that erstwhile rebels have given it. Luis M. Taruc, *the supremo* of the Huks, who has fought more than a decade to destroy the old society, and young communists such as Benjamin Sanguyo, better known by his *nom de guerre*, Commander Pusa (Cat), and former deputy of Commander Dante, Supreme Commander of the Maoist New People's Army, as well as Benjamin M. Bie (Commander Melody), are

active supporters of the ideology and tendencies of the New Society. There are also a great number of Marxist and socialist intellectuals who have signified their willingness to serve the aims of the New Society in any capacity. I can only conclude that the ideals of the democratic revolution transcend all class ideologies insofar as these erstwhile Jacobin revolutionaries are concerned.

### The Institutionalization of the Revolution

We have unleashed by executive action\* the beneficent forces of a democratic revolution in a society which otherwise would have carried the Republic along on the road leading to its destruction. This was done in the short space of a year, with the sanction of the Constitution and the support of the people.

The crucial question is how to make the achievements under martial law the enduring basis of a new society. To put it another way, the democratic revolution must be institutionalized; the ideals, policies and beneficent practices of the New Society must find their place in our institutions.

The Republic has been saved by the supreme exercise of political will. But the dangers persist, for the forces of disruption, dissension, subversion have yet to be completely dis-

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\* "This was accomplished by exercising extraordinary powers. The extraordinary character of these powers is similar to those vividly explained in some American precedents (*Moyer vs. Peabody*, 212 U.S. 78 [1901]; *Luther vs. Borden*, 7 How. 1, 12 L. Ed. 584 [1849]; *Martin vs. Mott*, 12 Wheat, 19, 6 L. Ed. 537 [1827]. It is noteworthy that the opinion in *Moyer vs. Peabody*, which was written by Justice Oliver Wendell Holmes, is cited with approval by two liberal-minded, civil rights-oriented and prominent constitutionalists, former Senator Lorenzo M. Tañada and Supreme Court Justice Enrique Fernando. In their book, *Constitution of the Philippines* (Vol. 2, pp. 523-525), they averred, citing the *Moyer* decision:

mantled. Now, having come so far in establishing the New Society, how are we going to secure it for the future?

At this point, we find the link, the inseparable link, between martial law and the New Constitution.

The calling of the Constitutional Convention was made in response to a revolutionary demand for change. But for martial law, its work, already compromised by vested interests, would have been academic in the face of national peril. The Convention, under the conditions in the old society, could not, in any case, have wrought fundamental changes. Martial law enabled the constituent body to draft a Charter attuned to the demands for revolutionary change.

It is logical and natural, therefore, for the new Constitution to embody these changes and reflect the spirit of the times in which it was written.

~~I~~ I derived my martial law authority from the old Constitution. It was from this authority that the Constitutional Convention was finally able to do its work according to the imperatives of national survival. The Convention, in turn, realized that the new Constitution should provide for the emergency

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"Once martial law has been declared, arrest may be necessary not so much for punishment but by way of precaution to stop disorder. As long as such arrests are made in good faith and in the honest belief they are needed to maintain order, the President, as Commander-in-Chief, cannot thereafter, when he is out of office, be subjected to an action on the ground that he had no reasonable ground for his belief. *When it comes to a decision by the head of the state upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process.*" (Emphasis mine)

situation so as to secure its force and survival, and, more important, its orderly implementation and perpetuation. Thus, Article XVII, otherwise known as the Transitory Provisions.

(See pp. 187-189.)

The Transitory Provisions, drafted with full appreciation of the national situation, clearly delineated the powers of the incumbent President during the period of transition to the new Constitution.

These provisions seem to contemplate three stages in the transition from the old to the new government: the first stage embraces the period from the ratification of the Constitution to the convening of the *interim* National Assembly; the second, from the convening of the *interim* National Assembly to the election of the *interim* President and Prime Minister; and the third, from the election of the *interim* President and Prime Minister to the calling of the *regular* election by the *interim* National Assembly.

During the first stage, the *incumbent* President of the Philippines is granted the powers and prerogatives of the President under the 1935 Constitution and the powers vested in both the President and Prime Minister under the new Constitution. Section 3, Subsection 2, Article XVII also expressly grants the *incumbent* President legislative powers.

The transitory provisions envision the possibility of the *interim* assembly not immediately being called to session by the *incumbent* President. During this interregnum, therefore, the

Constitutional Convention specifically provided for the powers of the *incumbent* President, thus, allowing a graceful transition into the period of full enforcement of the new Constitution.

The pertinent provision reads as follows:

Sec. 3. (1) The *incumbent* President of the Philippines shall initially convene the *interim* National Assembly and shall preside over its sessions until the *interim* Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution.

(2) All proclamations, orders, decrees, instructions, and acts promulgated, issued or done by the *incumbent* President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the *incumbent* President, or unless expressly and explicitly modified or repealed by the *regular* National Assembly.

During the second stage, it may be noted that upon convening the *interim* Assembly, he does not necessarily have to call for the election of the President and Prime Minister. For the final stage, however, executive power, with the exception of the powers granted to the President under the 1973 Constitution, passes to the *interim* Prime Minister elected by the *interim* National Assembly.

It is my belief that the Transitory Provisions of the new Constitution should put to rest all doubts as to the constitutionality of all the powers I have exercised under the 1935 Constitution. They also confer upon me certain extraordinary powers not found in the old Constitution. In the exercise of these powers, I could choose, in view of the emergency situation, not to convene as yet the *interim* National Assembly. I have decided on this choice in accordance with the decision of the people voting in the plebiscite of January 1973.

All interpretations of these provisions are that they constitute the best authority for what I call Constitutional Authoritarianism.

Thus, where under the old Constitution I exercised martial law powers to meet the national emergency, under the new Constitution, I am exercising extraordinary powers together with or even independently of martial law. These powers, including the power of legislation provided for in Sec. 3, Subsec. 2, Art. XVII, were provided for by a duly convoked Constitutional Convention in a Constitution duly ratified by the people in the plebiscite of January 10-15, 1973, which Constitution is now in full force and effect as ruled by our Supreme Court. (*Javellana et al. vs. Executive Secretary, et al.* G. R. No. L-36143, 36164, 36165, 36236, and 36283. (See pp. 104-106.)

The question most often in the minds of international and some domestic observers is how long martial law will last.

My answer has invariably been—"for as long as the people desire it." I am often asked what I personally desire. I hope that the powers exercised under the martial law authority whether called by such name or not would continue until the reforms in our society are firmly rooted. Otherwise this would have been a futile experiment.

It is my intention to periodically submit this issue to the people through the *barangays* so that they may decide when to dismantle martial law.

The clear intent of the framers of the New Constitution, therefore, is to allow sufficient time for all the political, social and economic reforms under martial law to become enduring institutions in our national life. This, however, implied some continuity of leadership, and, for this reason, the Constitution, especially the Transitory Provisions, emphasizes that the ratification of the fundamental law carried with it a direct mandate for the *incumbent* President.

I surmise that the framers of the Constitution, in their wisdom, anticipated this "constitutional crisis" early in the life of the new Charter. The Transitory Provisions plugged the loopholes, as it were, and thus gave us the authoritative instrument for governing a well-ordered political society from the start.

Obviously, then, the new Constitution contemplates two great objectives: first, the institutionalization of the democratic revolution, as reflected in the decrees, proclamations, orders, letters

of instructions, decisions, policies and implementation under martial law; second, the laying of the legal foundation of the New Society. Drafted and adopted in the crucible of the peaceful revolution, the Constitution attests to our continuing struggle for a better and more fruitful life for our people.

But what seems to trouble some of us is the vicissitudes of leadership in this time of crisis. "What," it is said, "if anything happens to the President of the Philippines?" My ready answer is that there will be a new leader of the democratic revolution. One of the agreements arrived at by all those who helped me plan the proclamation of martial law and its implementation was that I should provide, immediately after the announcement of the proclamation of martial law, for political succession by Presidential Decree in accordance with the 1935 Constitution. I had done so as early as September 1972. After the ratification of the new Constitution, succession is provided for in accordance with its provision. But as agreed, I have kept it sealed to be opened only in case of any contingency to prevent it from sowing intrigues, disunity and rivalries.

Those who fear fratricidal strife need only to be reminded that the Transitory Provisions, in conferring extraordinary powers on the *incumbent* President, clearly re-affirm the supremacy of civilian authority over the military. The Military, I dare say, completely submits to this republican authority. The question of succession is, therefore, a minor problem.

Under the New Constitution, furthermore, the situation has been further clarified because I am empowered by the Transitory Provisions, by virtue of my legislative powers, to decide the

question of succession and caretaker government, in the event of incapacity. The options as well as the instrumentalities I could utilize are by no means confined. Under such New Constitution I could decide to leave a political testament that is immediately executory or subject to the approval of other bodies. There are, aside from the *interim* National Assembly, possibly a legislative council, and the *barangays* or citizens assemblies. I can put the question of a successor directly to the people, to the citizens assemblies, or to the *interim* National Assembly or to any other body that may legally be created.

We know that men are mortal. But the Constitution is less mortal and the people are immortal. I am resolved that the New Society's existence and growth will not depend on one man or group of men. The New Society will be "institutionalized." And its institutionalization is documented by the Constitution.

### **The Internal Revolution**

It has been said that a revolution may survive any political or economic error but not a moral one. The question then is what moral error or errors we must guard against in the reshaping of our society. There are errors which are particular to one's situation and functions, and errors which are common to all.

Of those common to all, the most conspicuous is the error of complacency. Some of us, whether in the military or the civil government, are beginning once more to strive for privilege, are less efficient, less courteous and less honest, in the mistaken belief that exemplary performance at the right time, in the hour

of crisis is a permanent passport in the New Society. This cannot be: all of us are on trial every minute of our lives.

On the other hand, the same complacency may be found in society, in what is called "the private sector," for there are those who erroneously believe that only those who serve in government are subject to discipline. They have even started cultivating new ties and new connections for the old purpose of influencing the political authority to follow their will.

The "human nature" of the old society will die hard. Our sure defense against it is continuing vigilance.

But we should not fall into the trap of making our temporary command society into a "surveilled" society; this will defeat our purpose.

Happily, our recourse was prescribed by Apolinario Mabini in another revolution, when he said that an "internal" revolution was necessary for the success of an "external" one. What this ultimately means is that we should be able to internalize the democratic revolution, make its objectives, principles and ideals *a part of our being*, if we expect to succeed—and make our success an enduring one.

I have gone over the successes of the "external" revolution in the previous chapters, but as anyone can see, there is still much to be done. There are many basic plans that have not been completely implemented for varied reasons. While there has been an increase in exports by about 60%, 23% of which are non-traditional products for export, ours is still a substantially import economy.

Production is still aimed at filling up deficiencies. The prime example of this is our recurring deficits in staples, animal feeds and fertilizers. While we have reason to congratulate ourselves on the results of the tax reforms and the public response to our appeals in the tax campaign, and while we have completely updated the Tariff and Customs Code as well as the Internal Revenue Code, we still have to apply taxation as an instrument for the *regulation and redistribution of wealth* in our society. It must be remembered that the democratic revolution calls for the *democratization of wealth*. As I said in *Today's Revolution: Democracy*:

"The choice is between democratizing private wealth or 'socializing' it. Democratization is the governing idea in these remarks on property by US Supreme Court Justice Benjamin N. Cardozo: 'Property, like liberty, though immune under the Constitution from destruction, is not immune from regulation essential for the common good. What the regulation shall be every generation must work out for itself.' Socialization, on the other hand, means quite simply the abolition of private property, which is a process that historically has been associated intimately with communism. Under this system, as we know it from experience, not only private property is abolished but also human freedom."

Our most important reform, land reform, must still be effectively pursued, especially as it relates to the small landowners, who should not be treated in the same manner as the cacique-type landlords, the ancient source of the oligarchy. In con-

junction with this are the reforms in labor, the training and utilization of our vast manpower resources and an improved machinery for maintaining industrial peace and justice.

I am not yet satisfied with the gains in the political reorganization of our society. The old political habits, the old alliances between oligarchs and their political retainers, although these have been tamed, must now be uprooted. All of us now and then are confronted with "a nostalgia for the old days." To be sure, however, this is prevalent among those who have lost their old privileges and thus miss their former dominance, now steadily fading.

But the most important field for the *internal revolution* is that of education and culture. And here we must admit numerous and grave problems: problems of national identity, problems of re-orientation and administration, of renewed vigor, fresh vision and the firmest resolution to carry through plans and programs. Educational reforms will be the work of not one generation but of several generations working together. We have not yet, in this respect, offered a complete and challenging program for the youth of our country.

I have been advised that many of our youth have undergone a traumatic experience with the declaration of martial law. For some reason, I cannot be convinced of the validity of this claim. I have had my own frustrations as a young man in a society that I wanted to change; my disappointments and sufferings did not constitute a traumatic experience: they became the spur of my strivings. Our youth of today cannot be too dif-

ferent from the youth of old. They are idealistic and courageous and morally honest. They can find their cause in the ideals of the New Society.

But where before we told ourselves that the elder generations should first prove themselves to the younger, now all the generations must prove themselves to one another. The New Society is the test of the sincerity of our desire for beneficent change.

There are, besides the youth, the poor, the unskilled, the unemployed. It is with them that the moral ideals of the democratic revolution will find their greatest trial. And so our greatest efforts must be for them and with them.

Thus we understand that while there is still a great deal to be achieved in the "external" revolution, there is more to achieve —to challenge us—in the "internal" revolution.

As we have learned from Mabini, the *internalization* of the revolution is an act of moral will, expressing itself not only in the material pursuits of a people but also in their cultural, artistic, intellectual and scientific work. Needless to say, this requires collective as well as individual striving. In the collective, the government has done its share and will continue doing its share towards creating the "infrastructure" of a cultural awakening. A revolution without a humanist dimension, without cultural roots, is nothing more than a struggle for material things. And we are struggling for more than the rice in our bellies and the clothes on our backs. We are fighting for our pride as a nation and as individual human beings.

\* The proclamation of martial law has made this possible.

Martial law was never conceived nor has it ever been utilized to attain revolutionary or radical reforms. On the contrary it was the ultimate weapon for stability—in short, the final power to freeze the *status quo*. Injustices there may be in that *status quo*; it was not for martial law to redress them.

For the Philippines, its history dictated this persuasion. For the constitutional provision on martial law had been lifted *verbatim* from organic laws adopted by the American Congress for the Philippines (similar provisions were found in the organic laws of the U.S. territorial possessions, Puerto Rico and Hawaii, as well as Alaska). These were the Philippine Bill of 1902 and the Jones Law of 1916.

They were meant to consolidate the power of the American Governor-General over a colony.

Therefore, to the legalist and historian it was a cause for outrage that martial law, the weapon AGAINST Revolution, should be converted into a revolution for reform!

What all of us ultimately want, I believe, is a resurgence of the moral will that surmounts every obstacle—material and non-material—on the road towards the full realization of the New Society. This, as I have said, is the work of generations, not only in terms of time, but in terms of contemporary solidarity—the old and the young, men and women, the well-off no less than the poor. No one is a supernumerary in this society: every man, woman and child is *needed*: everyone has his importance, worth and useful contribution.

We have risen to claim our destiny. We can only lose it by failing ourselves.

We shall not.



## *Appendix*



# THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES (1973)

## PREAMBLE

We, the sovereign Filipino people, imploring the aid of Divine Providence, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our Nation, and secure to ourselves and our posterity the blessings of democracy under a regime of justice, peace, liberty, and equality, do ordain and promulgate this Constitution.

### Article I

#### THE NATIONAL TERRITORY

Section 1. The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all the other territories belonging to the Philippines by historic right or legal title, including the territorial sea, the air space, the subsoil, the sea-bed, the insular shelves, and the other submarine areas over which the Philippines has sovereignty or jurisdiction. The waters around, between, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

### Article II

#### DECLARATION OF PRINCIPLES AND STATE POLICIES

Section 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

Sec. 2. The defense of the State is a prime duty of the Government and the people, and in the fulfillment of his duty all citizens may be required by law to render personal military or civil service.

Sec. 3. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as

part of the law of the land, and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

Sec. 4. The State shall strengthen the family as a basic social institution. The natural right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the aid and support of the Government.

Sec. 5. The State recognizes the vital role of the youth in nation-building and shall promote their physical, intellectual and social well-being.

Sec. 6. The State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits.

Sec. 7. The State shall establish, maintain, and ensure adequate social services in the field of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent standard of living.

Sec. 8. Civilian authority is at all times supreme over the military.

Sec. 9. The State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration.

Sec. 10. The State shall guarantee and promote the autonomy of local government units, especially the barrio, to ensure their fullest development as self-reliant communities.

### Article III

#### CITIZENSHIP

Section 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time of the adoption of this Constitution.
- (2) Those whose fathers or mothers are citizens of the Philippines.

- (3) Those who elect Philippine citizenship pursuant to the provisions of the Constitution of nineteen hundred and thirty-five.
- (4) Those who are naturalized in accordance with law.

Sec. 2. A female citizen of the Philippines who marries an alien shall retain her Philippine citizenship, unless by her act or omission she is deemed, under the law, to have renounced her citizenship.

Sec. 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

Sec. 4. A natural-born citizen is one who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his Philippine citizenship.

## Article IV

### BILL OF RIGHTS

Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Sec. 2. Private property shall not be taken for public use without just compensation.

Sec. 3. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall not be violated, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined by the judge, or such other responsible officer as may be authorized by law, after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 4. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety and order require otherwise.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Sec. 5. The liberty of abode and of travel shall not be impaired except upon lawful order of the court, or when necessary in the interest of national security, public safety, or public health.

Sec. 6. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, shall be afforded the citizen subject to such limitations as may be provided by law.

Sec. 7. The right to form associations or societies for purposes not contrary to law shall not be abridged.

Sec. 8. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Sec. 9. No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

Sec. 10. No law granting a title of royalty or nobility shall be enacted.

Sec. 11. No law impairing the obligation of contracts shall be passed.

Sec. 12. No *ex post facto* law or bill of attainder shall be enacted.

Sec. 13. No person shall be imprisoned for debt or nonpayment of a poll tax.

Sec. 14. No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

Sec. 15. The privilege of the *writ of habeas corpus* shall not be suspended except in cases of invasion, insurrection, rebellion, or imminent danger thereof, when the public safety requires it.

Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

Sec. 17. No person shall be held to answer for a criminal offense without due process of law.

Sec. 18. All persons, except those charged with capital offenses when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties. Excessive bail shall not be required.

Sec. 19. In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustified.

Sec. 20. No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidation, or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence.

Sec. 21. Excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

Sec. 22. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Sec. 23. Free access to the courts shall not be denied to any person by reason of poverty.

## Article V

### DUTIES AND OBLIGATIONS OF CITIZENS

Section 1. It shall be the duty of the citizen to be loyal to the Republic and to honor the Philippine flag, to defend the State and contribute to its development and welfare, to uphold the Constitution and obey the laws, and to cooperate with the duly constituted authorities in the attainment and preservation of a just and orderly society.

Sec. 2. The rights of the individual impose upon him the correlative duty to exercise them responsibly and with due regard for the rights of others.

Sec. 3. It shall be the duty of every citizen to engage in gainful work to assure himself and his family a life worthy of human dignity.

Sec. 4. It shall be the obligation of every citizen qualified to vote to register and cast his vote.

## Article VI

### SUFFRAGE

Section 1. Suffrage shall be exercised by citizens of the Philippines not otherwise disqualified by law, who are eighteen years of age or over, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months preceding the election. No literacy, property, or other substantive requirements shall be imposed on the exercise of suffrage. The National Assembly shall provide a system for the purpose of securing the secrecy and sanctity of the vote.

## Article VII

### THE PRESIDENT

Section 1. The President of the Philippines shall be the symbolic head of state.

Sec. 2. The President shall be elected from among the Members of the National Assembly by a majority vote of all its Members for a term of six years from the date he takes his oath of office, which shall not be later than three days after his proclamation by the National Assembly, nor in any case earlier than the expiration of the term of his predecessor. Upon taking his oath of office, the President shall cease to be a Member of the National Assembly and of any political party. He shall be ineligible to hold any other elective office during his term.

Sec. 3. No person may be elected President unless he is at least fifty years of age on the day of his election as President, and a resident of the Philippines for at least ten years immediately preceding such election. However, if no Member of the National Assembly is qualified or none of those qualified is a candidate for President, any Member thereof may be elected President.

Sec. 4. (1) The President shall have an official residence and shall receive a compensation to be fixed by law, which shall not be increased or decreased during his term of office. He shall not receive during his tenure any other emolument from the Government or any

other source. Until the National Assembly shall provide otherwise, the President shall receive an annual salary of one hundred thousand pesos.

(2) The President shall not, during his tenure, hold any appointive office, practice any profession, participate directly or indirectly in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or special privilege granted by, the Government or any subdivision, agency, or instrumentality, thereof, including any government-owned or controlled corporation.

Sec. 5. In case of permanent disability, death, removal from office, or resignation of the President, the Speaker of the National Assembly shall act as President until a successor has been elected for the unexpired portion of the term of the President.

Sec. 6. The President shall have the following duties and functions:

- (1) Address the National Assembly at the opening of its regular session.
- (2) Proclaim the election of the Prime Minister.
- (3) Dissolve the National Assembly and call for a general election as provided herein.
- (4) Accept the resignation of the Cabinet as provided herein.
- (5) Attest to the appointment or cessation from office of Members of the Cabinet, and of other officers as may be provided by law.
- (6) Appoint all officers and employees in his office in accordance with the Civil Service Law.
- (7) Perform such other duties and functions of state as may be provided by law.

Sec. 7. The President shall be immune from suit during his tenure.

## ARTICLE VIII

### THE NATIONAL ASSEMBLY

Section 1. The Legislative power shall be vested in a National Assembly.

Sec. 2. The National Assembly shall be composed of as many Members as may be provided by law to be apportioned among the provinces,

representative districts, and cities in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio. Each district shall comprise, as far as practicable, contiguous, compact, and adjacent territory. Representative districts or provinces already created or existing at the time of the ratification of this Constitution shall have at least one Member each.

Sec. 3. (1) The Members of the National Assembly shall be elected by the qualified electors in their respective districts for a term of six years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

(2) In case the National Assembly is dissolved, the newly elected Members shall serve the unexpired portion of the term from the time the Prime Minister convokes the Assembly, which shall not be later than thirty days immediately following the elections.

Sec. 4. No person shall be a Member of the National Assembly unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, a registered voter in the district in which he shall be elected, and a resident thereof for a period of not less than one year immediately preceding the day of the election.

Sec. 5. (1) Unless otherwise provided by law, the regular election of Members of the National Assembly shall be held on the second Monday of May and every six years thereafter.

(2) In case a vacancy arises in the National Assembly one year or more before a regular election, the Commission on Elections shall call a special election to be held within sixty days after the vacancy occurs.

Sec. 6. The National Assembly shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. It may recess for periods not exceeding thirty days each, and not more than ninety days during the year. However, it may be called to session at any time by the Prime Minister to consider such subjects or legislations as he may designate.

Sec. 7. (1) The National Assembly shall, by a majority vote of all its Members, elect its Speaker from the Members thereof. It shall choose such other officers as it may deem necessary.

The election of the President and the Prime Minister shall precede all other business following the election of the Speaker.

(2) A majority of the National Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as the National Assembly may provide.

(3) The National Assembly may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members, suspend or expel a Member, but if the penalty is suspension, this shall not exceed sixty days.

(4) The National Assembly shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the *yeas* and *nays* on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

Sec. 8. (1) Unless otherwise provided by law, each Member of the National Assembly shall receive an annual salary of sixty thousand pesos. The Speaker of the National Assembly shall receive an annual salary of seventy-five thousand pesos. No increase in salary shall take effect until after the expiration of the term of the Members of the National Assembly approving such increase.

(2) The records and books of accounts of the National Assembly shall be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually the itemized expenditures for each Member.

Sec. 9. A Member of the National Assembly shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest during his attendance at its sessions, and in going to and returning from the same; but the National Assembly shall surrender the Member involved to the custody of the law within twenty-four hours after its adjournment for a recess or for its next session, otherwise such privilege shall cease upon its failure to do so. A Member shall not be questioned nor held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

Sec. 10. A Member of the National Assembly shall not hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or con-

trolled corporations, during his tenure except that of Prime Minister or Member of the Cabinet. Neither shall he be appointed to any civil office which may have been created or the emoluments thereof increased while he was a Member of the National Assembly.

Sec. 11. No member of the National Assembly shall appear as counsel before any court inferior to a court with appellate jurisdiction, before any court in any civil case wherein the Government, or any subdivision, agency, or instrumentality thereof is the adverse party, or before any administrative body. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, during his term of office. He shall not intervene in any matter before any office of the Government for his pecuniary benefit.

Sec. 12. (1) There shall be a question hour at least once a month or as often as the Rules of the National Assembly may provide, which shall be included in its agenda, during which the Prime Minister or any Minister may be required to appear and answer questions and interpellations by members of the National Assembly. Written questions shall be submitted to the Speaker at least three days before a scheduled question hour. Interpellations shall not be limited to the written questions, but may cover matters related thereto. The agenda shall specify the subjects of the question hour. When the security of the State so requires and the Prime Minister so states in writing, the question hour shall be conducted in executive session.

(2) The National Assembly or any of its committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in such inquiries shall be respected.

Sec. 13. (1) The National Assembly may withdraw its confidence from the Prime Minister only by electing a successor by a majority vote of all its Members. No motion for the election of such successor shall be debated and voted upon until after the lapse of three days from the submittal of such motion.

(2) The Prime Minister may advise the President in writing to dissolve the National Assembly whenever the need arises for a popular vote of confidence on fundamental issues, but not on a matter involving his own personal integrity. Whereupon, the President shall dissolve the National Assembly not earlier than five days nor later than ten days

from his receipt of the advice, and call for an election on a date set by the Prime Minister which shall not be earlier than forty-five days nor later than sixty days from the date of such dissolution. However, no dissolution of the National Assembly shall take place within nine months immediately preceding a regular election or within nine months immediately following any general election.

(3) In case of dissolution of the National Assembly or the termination of its regular term, the incumbent Prime Minister and the Cabinet shall continue to conduct the affairs of government until the new National Assembly is convoked and a Prime Minister is elected and has qualified.

Sec. 14. (1) Except as otherwise provided in this Constitution, no treaty shall be valid and effective unless concurred in by a majority of all the Members of the National Assembly.

(2) The National Assembly, by a vote of two-thirds of all its Members, shall have the sole power to declare the existence of a state of war.

Sec. 15. In times of war or other national emergency, the National Assembly may by law authorize the Prime Minister, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by a resolution of the National Assembly, such powers shall cease upon its next adjournment.

Sec. 16. (1) The Prime Minister shall submit to the National Assembly within thirty days from the opening of each regular session, as the basis of the general appropriations bill, a budget of receipts based on existing and proposed revenue measures, and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

(3) The procedure in approving appropriations for the National Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies.

(4) A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as

certified to by the National Treasurer, or to be raised by a corresponding revenue proposal included therein.

(5) No law shall be passed authorizing any transfer of appropriations; however, the Prime Minister, the Speaker, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may by law be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.

(6) If, by the end of any fiscal year, the National Assembly shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the general appropriations bill is passed by the National Assembly.

Sec. 17. (1) The rule of taxation shall be uniform and equitable. The National Assembly shall evolve a progressive system of taxation.

(2) The National Assembly may by law authorize the Prime Minister to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff rates, import and export quotas, tonnage and wharfage dues, and other duties or imposts.

(3) Charitable institutions, churches, parsonages or convents appurtenant thereto, mosques, and non-profit cemeteries, and all lands, buildings, and improvements actually, directly, and exclusively used for religious or charitable purposes shall be exempt from taxation.

(4) No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the National Assembly.

Sec. 18. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(2) No public money or property shall ever be appropriated, applied, paid, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister or dignitary is assigned to the armed forces, or to any penal institution, or government orphanage or leprosarium.

Sec. 19. (1) Every bill shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to the Members three days before its passage, except when the Prime Minister certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the *yeas* and *nays* entered in the Journal.

(3) No bill except those of local application shall be calendared without the prior recommendation of the Cabinet.

Sec. 20. (1) Every bill passed by the National Assembly shall, before it becomes a law, be presented to the Prime Minister. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the National Assembly. The bill may be reconsidered by the National Assembly and, if approved by two-thirds of all its Members, shall become a law. The Prime Minister shall act on every bill passed by the National Assembly within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

(2) The Prime Minister shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.

## Article IX

### THE PRIME MINISTER AND THE CABINET

Section 1. The Executive power shall be exercised by the Prime Minister with the assistance of the Cabinet. The Cabinet, headed by the Prime Minister, shall consist of the heads of ministries as provided by law. The Prime Minister shall be the head of the Government.

Sec. 2. The Prime Minister and the Cabinet shall be responsible to the National Assembly for the program of government and shall determine the guidelines of national policy.

Sec. 3. The Prime Minister shall be elected by a majority of all the Members of the National Assembly from among themselves.

Sec. 4. The Prime Minister shall appoint the Members of the Cabinet who shall be the heads of ministries, at least a majority of whom shall

come from the National Assembly. Members of the Cabinet may be removed at the discretion of the Prime Minister.

Sec. 5. (1) The Prime Minister shall appoint the Deputy Prime Minister from among the Members of the National Assembly. The Deputy Prime Minister shall head a ministry and shall perform such other functions as may be assigned to him by the Prime Minister.

(2) The Prime Minister shall also appoint the Deputy Ministers who shall perform such functions as may be assigned to them by law or by the respective heads of ministries.

Sec. 6. The Prime Minister and the Members of the Cabinet, on assuming office, shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

Sec. 7. The salaries and emoluments of the Prime Minister and the Members of the Cabinet shall be fixed by law which shall not be increased or decreased during their tenure of office. Until otherwise provided by law, the Prime Minister shall receive the same salary as that of the President.

Sec. 8. The Prime Minister and the Members of the Cabinet shall be subject to the provisions of Sections ten and eleven of Article Eight hereof and may not appear as counsel before any court or administrative body, or participate in the management of any business, or practice any profession.

Sec. 9. The Prime Minister or any Member of the Cabinet may resign for any cause without vacating his seat in the National Assembly.

Sec. 10. The Prime Minister shall, at the beginning of each regular session of the National Assembly and from time to time thereafter, present the program of government and recommend for the consideration of the National Assembly such measures as he may deem necessary and proper.

Sec. 11. The Prime Minister shall have control of all ministries.

Sec. 12. The Prime Minister shall be Commander-in-Chief of all Armed Forces of the Philippines, and, whenever it becomes necessary, he

may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of *writ of habeas corpus*, or place the Philippines or any part thereof under martial law.

Sec. 13. The Prime Minister shall appoint the heads of bureaus and officers of the armed forces of the Philippines from the rank of brigadier general or commodore, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint. However, the National Assembly may by law vest in Members of the Cabinet, courts, heads of agencies, commissions, and boards the power to appoint inferior officers in their respective offices.

Sec. 14. The Prime Minister may, except in cases of impeachment, grant reprieves, commutations and pardons, remit fines and forfeitures, after final conviction, and, with the concurrence of the National Assembly, grant amnesty.

Sec. 15. The Prime Minister may contract and guarantee foreign and domestic loans on behalf of the Republic of the Philippines, subject to such limitations as may be provided by law.

Sec. 16. All powers vested in the President of the Philippines under the nineteen hundred and thirty-five Constitution and the laws of the land which are not herein provided for or conferred upon any official shall be deemed, and are hereby, vested in the Prime Minister, unless the National Assembly provides otherwise.

## Article X

### THE JUDICIARY

Section 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section five hereof.

Sec. 2. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit *en banc* or in two divisions.

(2) All cases involving the constitutionality of a treaty, executive agreement, or law shall be heard and decided by the Supreme Court

*en banc*, and no treaty, executive agreement, or law may be declared unconstitutional without the concurrence of at least ten Members. All other cases, which under its rules are required to be heard *en banc*, shall be decided with the concurrence of at least eight Members.

(3) Cases heard by a division shall be decided with the concurrence of at least five Members, but if such required number is not obtained, the case shall be decided *en banc*; provided, that no doctrine or principle of law laid down by the Court in a decision rendered *en banc* or in division may be modified or reversed except by the Court sitting *en banc*.

Sec. 3. (1) No person shall be appointed Member of the Supreme Court unless he is a natural-born citizen of the Philippines, at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

(2) The National Assembly shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge thereof unless he is a natural-born citizen of the Philippines and a member of the Philippine Bar.

Sec. 4. The Members of the Supreme Court and judges of inferior courts shall be appointed by the Prime Minister.

Sec. 5. The Supreme Court shall have the following powers:

(1) Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, and over petitions for *certiorari*, *prohibition*, *mandamus*, *quo warranto*, and *habeas corpus*.

(2) Review and revise, reverse, modify, or affirm on appeal or *certiorari*, as the law or the Rules of Court may provide, final judgments and decrees of inferior courts in—

(a) All cases in which the constitutionality or validity of any treaty, executive agreement, law, ordinance, or executive order or regulation is in question.

(b) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(c) All cases in which the jurisdiction of any inferior court is in issue.

(d) All criminal cases in which the penalty imposed is death or life imprisonment.

(e) All cases in which only an error or question of law is involved.

(3) Assign temporarily judges of inferior courts to other stations as public interest may require. Such temporary assignment shall not last longer than six months without the consent of the judge concerned.

(4) Order a change of venue or place of trial to avoid a miscarriage of justice.

(5) Promulgate rules concerning pleading, practice, and procedure in all courts, the admission to the practice of law, and the integration of the Bar, which, however, may be repealed, altered, or supplemented by the National Assembly. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights.

(6) Appoint its officials and employees in accordance with the Civil Service Law.

Sec. 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

Sec. 7. The Members of the Supreme Court and judges of inferior courts shall hold office during good behavior until they reach the age of sixty-five years or become incapacitated to discharge the duties of their office. The Supreme Court shall have the power to discipline judges of inferior courts, and, by a vote of at least eight Members, order their dismissal.

Sec. 8. The conclusions of the Supreme Court in any case submitted to it for decision *en banc* or in division shall be reached in consultation before the case is assigned to a Member for the writing of the opinion of the Court. Any Member dissenting from a decision shall state the reasons for his dissent. The same requirements shall be observed by all inferior collegiate courts.

Sec. 9. Every decision of a court of record shall clearly and distinctly state the facts and the law on which it is based. The Rules of Court shall govern the promulgation of minute resolutions.

Sec. 10. The salary of the Chief Justice and of the Associate Justices of the Supreme Court, and of judges of inferior courts shall be fixed by law, which shall not be decreased during their continuance in office. Until the National Assembly shall provide otherwise, the Chief Justice shall receive an annual salary of seventy-five thousand pesos, and each Associate Justice, sixty thousand pesos.

Sec. 11. (1) Upon the effectivity of this Constitution, the maximum period within which a case or matter shall be decided or resolved from the date of its submission, shall be eighteen months for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all inferior collegiate courts, and three months for all other inferior courts.

(2) With respect to the Supreme Court and other collegiate appellate courts, when the applicable maximum period shall have lapsed without the rendition of the corresponding decision or resolution because the necessary vote cannot be had, the judgment, order, or resolution appealed from shall be deemed affirmed, except in those cases where a qualified majority is required and in appeals from judgments of conviction in criminal cases; and in original special civil actions and proceedings for *habeas corpus*, the petition in such cases shall be deemed dismissed; and a certification to this effect signed by the Chief Magistrate of the court shall be issued and a copy thereof attached to the record of the case.

Sec. 12. The Supreme Court shall, within thirty days from the opening of each regular session of the National Assembly, submit to the President, the Prime Minister, and the National Assembly an annual report on the operations and activities of the Judiciary.

## Article XI

### LOCAL GOVERNMENT

Section 1. The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities, and barrios.

Sec. 2. The National Assembly shall enact a local government code which may not thereafter be amended except by a majority vote of all its Members, defining a more responsive and accountable local government structure with an effective system of recall, allocating among the different local government units their powers, responsibilities, and resources, and providing for the qualifications, election and removal, term, salaries, powers, functions, and duties of local officials, and all other matters relating to the organization and operation of the local units. However, any change in the existing form of local government shall not take effect until ratified by a majority of the votes cast in a plebiscite called for the purpose.

Sec. 3. No province, city, municipality, or barrio may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code,

and subject to the approval by a majority of the votes cast in a plebiscite in the unit or units affected.

Sec. 4. (1) Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barrios, shall ensure that the acts of their component units are within the scope of their assigned powers and functions. Highly urbanized cities, as determined by standards established in the local government code, shall be independent of the province.

(2) Local government units may group themselves, or consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them.

Sec. 5. Each local government unit shall have the power to create its own sources of revenue and to levy taxes, subject to such limitations as may be provided by law.

## Article XII

### THE CONSTITUTIONAL COMMISSIONS

#### A. COMMON PROVISIONS

Section 1. The Constitutional Commissions shall be the Civil Service Commission, the Commission on Elections, and the Commission on Audit.

Sec. 2. Unless otherwise provided by law, the Chairman and each Commissioner of a Constitutional Commission shall receive an annual salary of sixty thousand pesos and fifty thousand pesos, respectively, which shall not be decreased during their continuance in office.

Sec. 3. No member of a Constitutional Commission shall, during his tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof including government-owned or controlled corporations.

Sec. 4. The Constitutional Commissions shall appoint their officials and employees in accordance with the Civil Service Law.

#### B. THE CIVIL SERVICE COMMISSION

Section (1) The Civil Service embraces every branch, agency, subdivision, and instrumentality of the Government, including every gov-

ernment-owned or controlled corporation. It shall be administered by an independent Civil Service Commission composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines, and, at the time of their appointment, are at least thirty-five years of age and holders of a college degree, and must not have been candidates for any elective position in the election immediately preceding their appointment. The Chairman and the Commissioners shall be appointed by the Prime Minister for a term of seven years without reappointment. Of the Commissioners first appointed one shall hold office for seven years, another for five years, and the third for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

(2) The commission shall, subject to such limitations as may be provided by law, establish a career service and adopt measures to promote morale, efficiency, and integrity in the Civil Service.

Sec. 2. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

Sec. 3. No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law.

Sec. 4. (1) No elective official shall be eligible for appointment to any office or position during his term of office.

(2) No candidate who lost in an election shall be eligible for appointment or reappointment to any office in the Government, or in any government-owned or controlled corporation, within one year following such election.

Sec. 5. No officer or employee in the Civil Service, including members of the armed forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote.

Sec. 6. The National Assembly shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations, taking into account the nature of the responsibilities pertaining to, and the qualifications required for, the positions concerned.

### C. THE COMMISSION ON ELECTIONS

Section 1. (1) There shall be an independent Commission on Elections composed of a Chairman and eight Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age and holders of a college degree. However, a majority thereof, including the Chairman, shall be members of the Philippine Bar who have been engaged in the practice of law for at least ten years.

(2) The Chairman and the Commissioners shall be appointed by the Prime Minister for a term of seven years, without reappointment. Of the Commissioners first appointed, three shall hold office for seven years, three for five years, and the last three for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

Sec. 2. The Commission on Elections shall have the following powers and functions:

(1) Enforce and administer all laws relative to the conduct of elections.

(2) Be the sole judge of all contests relating to the elections, returns, and qualifications of all Members of the National Assembly and elective provincial and city officials.

(3) Decide, save those involving the right to vote, administrative questions affecting elections, including the determination of the number and location of polling places, the appointment of election officials and inspectors, and the registration of voters.

(4) Deputize, with the consent or at the instance of the Prime Minister, law enforcement agencies and instrumentalities of the Government, including the armed forces of the Philippines, for the purpose of ensuring free, orderly, and honest elections.

(5) Register and accredit political parties subject to the provisions of Section eight hereof.

(6) Recommend to the National Assembly effective measures to minimize election expenses and prohibit all forms of election frauds and malpractices, political opportunism, guest or nuisance candidacy, or other similar acts.

(7) Submit to the President, the Prime Minister, and the National Assembly a report on the conduct and manner of each election.

(8) Perform such other functions as may be provided by law.

Sec. 3. The Commission on Elections may sit *en banc* or in three divisions. All election cases may be heard and decided by divisions, except contests involving Members of the National Assembly, which shall be heard and decided *en banc*. Unless otherwise provided by law, all election cases shall be decided within ninety days from the date of their submission for decision.

Sec. 4. The Commission may recommend to the Prime Minister the removal of, or any other disciplinary action against, any officer or employee it has deputized, for violation or disregard of, or disobedience to, its decision, order, or directive.

Sec. 5. The enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, may be supervised or regulated by the Commission during the election period for the purpose of ensuring free, orderly, and honest elections.

Sec. 6. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter.

Sec. 7. No pardon, parole, or suspension of sentence for violation of the law or rules and regulations concerning elections shall be granted without the recommendation of the Commission.

Sec. 8. A political party shall be entitled to accreditation by the Commission if, in the immediately preceding election, such party has obtained at least the third highest number of votes cast in the constituency to which it seeks accreditation. No religious sect shall be registered as a political party, and no political party which seeks to achieve its goals through violence or subversion shall be entitled to accreditation.

Sec. 9. (1) *Bona fide* candidates for any public office shall be free from any form of harassment and discrimination.

(2) No party or candidate shall have membership in the registration board, board of election inspectors, board of canvassers, or other similar bodies.

Sec. 10. No elective public officer may change his political party affiliation during his term of office, and no candidate for any elective public office may change his political party affiliation within six months immediately preceding or following an election.

Sec. 11. Any decision, order, or ruling of the Commission may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty days from his receipt of a copy thereof.

#### D. THE COMMISSION ON AUDIT

Section 1. (1) There shall be an independent Commission on Audit composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least forty years of age and certified public accountants or members of the Philippine Bar for at least ten years.

(2) The Chairman and the Commissioners shall be appointed by the Prime Minister for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

Sec. 2. The Commission on Audit shall have the following powers and functions:

(1) Examine, audit, and settle, in accordance with law and regulations, all accounts pertaining to the revenues and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations; keep the general accounts of the Government and, for such period as may be provided by law, preserve the vouchers pertaining thereto; and promulgate accounting and auditing rules and regulations including those for the prevention of irregular, unnecessary, excessive, or extravagant expenditures or uses of funds and property.

(2) Decide any case brought before it within sixty days from the date of its submission for resolution. Unless otherwise provided by law, any decision, order, or ruling of the Commission may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty days from his receipt of a copy thereof.

(3) Submit to the President, the Prime Minister, and the National Assembly, within the time fixed by law, an annual financial report of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and recommend measures necessary to improve their efficiency and effectiveness. It shall submit such other reports as may be required by law.

(4) Perform such other duties and functions as may be prescribed by law.

## Article XIII

### ACCOUNTABILITY OF PUBLIC OFFICERS

Section 1. Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.

Sec. 2. The President, the Members of the Supreme Court, and the Members of the Constitutional Commissions shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, other high crimes, or graft and corruption.

Sec. 3. The National Assembly shall have the exclusive power to initiate, try, and decide all cases of impeachment. Upon the filing of a verified complaint, the National Assembly may initiate impeachment by a vote of at least one-fifth of all its Members. No official shall be convicted without the concurrence of at least two-thirds of all the Members, thereof. When the National Assembly sits in impeachment cases, its Members shall be on oath or affirmation.

Sec. 4. Judgments in cases of impeachment shall be limited to removal from office and disqualification to hold any office of honor, trust, or profit under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, in accordance with law.

Sec. 5. The National Assembly shall create a special court, to be known as *Sandiganbayan*, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office as may be determined by law.

Sec. 6. The National Assembly shall create an office of the Ombudsman, to be known as *Tanodbayan*, which shall receive and investigate complaints relative to public office, including those in government-owned or controlled corporations, make appropriate recommendations, and in case of failure of justice as defined by law, file and prosecute the corresponding criminal, civil, or administrative case before the proper court or body.

#### Article XIV

### THE NATIONAL ECONOMY AND THE PATRIMONY OF THE NATION

Section 1. The National Assembly shall establish a National Economic and Development Authority, to be headed by the Prime Minister, which shall recommend to the National Assembly, after consultation with the private sector, local government units, and other appropriate public agencies, continuing, coordinated, and fully integrated social economic plans and programs.

Sec. 2. The State shall regulate or prohibit private monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

Sec. 3. The National Assembly shall, upon recommendation of the National Economic and Development Authority, reserve to citizens of the Philippines or to corporations or associations wholly owned by such citizens, certain traditional areas of investments when the national interest so dictates.

Sec. 4. The National Assembly shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

Sec. 5. No franchise, certificate or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least sixty *per centum* of the capital of which is owned by such citizens, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. Neither shall any such franchise or right be granted except under the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly when the public interest so requires. The State shall encourage equity participation in public utili-

ties by the general public. The participation for foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in the capital thereof.

Sec. 6. The State may, in the interest of national welfare or defense, establish and operate industries and means of transportation and communication, and upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Sec. 7. In times of national emergency when the public interest so requires, the State may temporarily take over or direct the operation of any privately owned public utility or business affected with the public interest.

Sec. 8. All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, wildlife, and other natural resources of the Philippines belong to the State. With the exception of agricultural, industrial or commercial, residential, and resettlement lands of the public domain, natural resources shall not be alienated, and no license, concession, or lease for the exploration, development, exploitation, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for not more than twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases, beneficial use may be the measure and the limit of the grant.

Sec. 9. The disposition, exploration, development, exploitation, or utilization of any of the natural resources of the Philippines shall be limited to citizens of the Philippines, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens. The National Assembly, in the national interest, may allow such citizens, corporations, or associations to enter into service contracts for financial, technical, management, or other forms of assistance with any foreign person or entity for the exploration, development, exploitation, or utilization of any of the natural resources. Existing valid and binding service contracts for financial, technical, management, or other forms of assistance are hereby recognized as such.

Sec. 10. Lands of the public domain are classified into agricultural, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing lands, and such other classes as may be provided by law.

Sec. 11. The National Assembly, taking into account conservation, ecological, and developmental requirements of the natural resources, shall determine by law the size of lands of the public domain which may be developed, held or acquired by, or leased to, any qualified individual, corporation, or association, and the conditions therefor. No private corporation or association may hold alienable lands of the public domain except by lease not to exceed one thousand hectares in area; nor may any citizen hold such lands by lease in excess of five hundred hectares or acquire by purchase or homestead in excess of twenty-four hectares. No private corporation or association may hold by lease, concession, license, or permit, timber or forest lands and other timber or forest resources in excess of one hundred thousand hectares; however, such area may be increased by the National Assembly upon recommendation of the National Economic and Development Authority.

Sec. 12. The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution.

Sec. 13. The National Assembly may authorize, upon payment of just compensation, the expropriation of private lands to be subdivided into small lots and conveyed at cost to deserving citizens.

Sec. 14. Save in cases of hereditary succession, no private land shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

Sec. 15. Any provision of paragraph one, Section fourteen, Article Eight and of this Article notwithstanding, the Prime Minister may enter into international treaties or agreements as the national welfare and interest may require.

## Article XV

### GENERAL PROVISIONS

Section 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

Sec. 2. The *interim* National Assembly may by law adopt a new name for the country, a national anthem, and a national seal, which shall all be truly reflective and symbolic of the ideals, history, and

traditions of the people. Thereafter, the national name, anthem, and seal so adopted shall not be subject to change except by constitutional amendment.

Sec. 3. (1) This Constitution shall be officially promulgated in English and in Pilipino, and translated into each dialect spoken by over fifty thousand people, and into Spanish and Arabic. In case of conflict, the English text shall prevail.

(2) The National Assembly shall take steps towards the development and formal adoption of a common national language to be known as Pilipino.

(3) Until otherwise provided by law, English and Pilipino shall be the official languages.

Sec. 4. All public officers and employees and members of the armed forces shall take an oath to support and defend the Constitution.

Sec. 5. No elective or appointive public officer or employee shall receive additional or double compensation unless specifically authorized by law nor accept, without the consent of the National Assembly, any present, emolument, office, or title of any kind from any foreign state.

Sec. 6. No salary or any form of emolument of any public officer or employee, including constitutional officers, shall be exempt from payment of income tax.

Sec. 7. (1) The ownership and management of mass media shall be limited to citizens of the Philippines or to corporations or associations wholly owned and managed by such citizens.

(2) The governing body of every entity engaged in commercial telecommunications shall in all cases be controlled by citizens of the Philippines.

Sec. 8. (1) All educational institutions shall be under the supervision of, and subject to regulation by, the State. The State shall establish and maintain a complete, adequate, and integrated system of education relevant to the goals of national development.

(2) All institutions of higher learning shall enjoy academic freedom.

(3) The study of the Constitution shall be part of the curricula in all schools.

(4) All educational institutions shall aim to inculcate love of country, teach the duties of citizenship, and develop moral character, personal discipline, and scientific, technological, and vocational efficiency.

(5) The State shall maintain a system of free public elementary education and, in areas where finances permit, establish and maintain a system of free public education at least up to the secondary level.

(6) The State shall provide citizenship and vocational training to adult citizens and out-of-school youth, and create and maintain scholarship for poor and deserving students.

(7) Educational institutions, other than those established by religious orders, mission boards, and charitable organizations, shall be owned solely by citizens of the Philippines, or corporations or associations sixty *per centum* of the capital of which is owned by such citizens. The control and administration of educational institutions shall be vested in citizens of the Philippines. No educational institution shall be established exclusively for aliens, and no group of aliens shall comprise more than one-third of the enrolment in any school. The provisions of this subsection shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

(8) At the option expressed in writing by the parents or guardians, and without cost to them and the Government, religion shall be taught to their children or wards in public elementary and high schools as may be provided by law.

Sec. 9. (1) The State shall promote scientific research and invention. The advancement of science and technology shall have priority in the national development.

(2) Filipino culture shall be preserved and developed for national identity. Arts and letters shall be under the patronage of the State.

(3) The exclusive right to inventions, writings and artistic creations shall be secured to inventors, authors, and artists for a limited period. Scholarships, grants-in-aid, or other forms of incentives shall be provided for specially gifted citizens.

Sec. 10. It shall be the responsibility of the State to achieve and maintain population levels most conducive to the national welfare.

Sec. 11. The State shall consider the customs, traditions, beliefs, and interests of national cultural communities in the formulation and implementation of state policies.

Sec. 12. The State shall establish and maintain an integrated national police force whose organization, administration, and operation shall be provided by law.

Sec. 13. (1) The armed forces of the Philippines shall include a citizen army composed of all able-bodied citizens of the Philippines who shall undergo military training as may be provided by law. It shall keep a regular force necessary for the security of the State.

(2) The citizen army shall have a corps of trained officers and men in active duty status as may be necessary to train, service, and keep it in reasonable preparedness at all times.

Sec. 14. The National Assembly shall establish a central monetary authority which shall provide policy direction in the areas of money, banking, and credit. It shall have supervisory authority over the operations of banks and exercise such regulatory authority as may be provided by law over the operations of finance companies and other institutions performing similar functions. Until the National Assembly shall otherwise provide, the Central Bank of the Philippines, operating under existing laws, shall function as the Central monetary authority.

Sec. 15. The separation of church and state shall be inviolable.

Sec. 16. The State may not be sued without its consent.

## Article XVI

### AMENDMENTS

Section 1. (1) Any amendment to, or revision of, this Constitution may be proposed by the National Assembly upon a vote of three-fourths of all its Members, or by constitutional convention.

(2) The National Assembly may, by a vote of two-thirds of all its Members, call a constitutional convention or, by a majority vote of all its Members, submit the question of calling such a convention to the electorate in an election.

Sec. 2. Any amendment to, or revision of, this Constitution shall be valid when ratified by a majority of the votes cast in a plebiscite

which shall be held not later than three months after the approval of such amendment or revision.

## Article XVII

### TRANSITORY PROVISIONS

Section 1. There shall be an *interim* National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the Members of the regular National Assembly shall have been elected and shall have assumed office following an election called for the purpose by the *interim* National Assembly. Except as otherwise provided in this Constitution, the *interim* National Assembly shall have the same powers and its Members shall have the same functions, responsibilities, rights, privileges, and disqualifications as the regular National Assembly and the Members thereof.

Sec. 2. The Members of the *interim* National Assembly shall be the incumbent President and Vice-President of the Philippines, those who served as President of the nineteen hundred and seventy-one Constitutional Convention, those Members of the Senate and the House of Representatives who shall express in writing to the Commission on Elections within thirty days after the ratification of this Constitution their option to serve therein, and those Delegates to the nineteen hundred and seventy-one Constitutional Convention who have opted to serve therein by voting affirmatively for this Article. They may take their oath of office before any officer authorized to administer oath and qualify thereto, after the ratification of this Constitution.

Sec. 3. (1) The incumbent President of the Philippines shall initially convene the *interim* National Assembly and shall preside over its sessions until the *interim* Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls upon the *interim* National Assembly to elect the *interim* President and the *interim* Prime Minister, who shall then exercise their respective powers vested by this Constitution.

(2) All proclamations, orders, decrees, instructions, and acts promulgated, issued or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless

modified, revoked, or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.

Sec. 4. The *interim* Prime Minister and his Cabinet shall exercise all the powers and functions, and discharge the responsibilities of the regular Prime Minister and his Cabinet, and shall be subject to the same disqualifications provided in this Constitution.

Sec. 5. The *interim* National Assembly shall give priority to measures for the orderly transition from the presidential to the parliamentary system, the reorganization of the Government, the eradication of graft and corruption, the effective maintenance of peace and order, the implementation of declared agrarian reforms, the standardization of compensation of government employees, and such other measures as shall bridge the gap between the rich and the poor.

Sec. 6. The *interim* National Assembly shall reapportion the Assembly seats in accordance with Section two, Article Eight of this Constitution.

Sec. 7. All existing laws not inconsistent with this Constitution shall remain operative until amended, modified, or repealed by the National Assembly.

Sec. 8. All courts existing at the time of the ratification of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases pending in said courts shall be heard, tried, and determined under the laws then in force. The provisions of the existing Rules of Court not inconsistent with this Constitution shall remain operative unless amended, modified, or repealed by the Supreme Court or the National Assembly.

Sec. 9. All officials and employees in the existing Government of the Republic of the Philippines shall continue in office until otherwise provided by law or decreed by the incumbent President of the Philippines, but all officials whose appointments are by this Constitution vested in the Prime Minister shall vacate their respective offices upon the appointment and qualification of their successors.

Sec. 10. The incumbent members of the Judiciary may continue in office until they reach the age of seventy years, unless sooner replaced in accordance with the preceding section hereof.

Sec. 11. The rights and privileges granted to citizens of the United States or to corporations or associations owned or controlled by such citizens under the Ordinance appended to the nineteen hundred and thirty-five Constitution shall automatically terminate on the third day of July, nineteen hundred and seventy-four. Titles to private lands acquired by such persons before such date shall be valid as against other private persons only.

Sec. 12. All treaties, executive agreements, and contracts entered into by the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, are hereby recognized as legal, valid, and binding. When the national interest so requires, the incumbent President of the Philippines or the *interim* Prime Minister may review all contracts, concessions, permits or other forms of privileges for the exploration, development, exploitation, or utilization of natural resources entered into, granted, issued, or acquired before the ratification of this Constitution.

Sec. 13. Any public officer or employee separated from the service as a result of the reorganization effected under this Constitution shall, if entitled under the laws then in force, receive the retirement and other benefits accruing thereunder.

Sec. 14. All records, equipment, buildings, facilities, and other properties of any office or body abolished or reorganized under this Constitution shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.

Sec. 15. The *interim* National Assembly, upon special call by the *interim* Prime Minister, may, by a majority vote of all its Members, propose amendments to this Constitution. Such amendments shall take effect when ratified in accordance with Article Sixteen hereof.

Sec. 16. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite called for the purpose and, except as herein provided, shall supersede the Constitution of nineteen hundred and thirty-five and all amendments thereto.

*The foregoing Constitution was approved by the Filipino people in a referendum held between January 10, 1973 and January 15, 1973 through the Barangays (Citizens Assemblies), the result of which was announced under Proclamation Numbered One Thousand One Hundred Two, dated January 17, 1973, by His Excellency, President Ferdinand E. Marcos. By virtue whereof, the Constitution comes into full force and effect as of noon of January 17, 1973.*

PROCLAMATION No. 1081

~~PROCLAIMING A STATE OF MARTIAL LAW~~  
IN THE PHILIPPINES

WHEREAS, on the basis of carefully evaluated and verified information, it is definitely established that lawless elements who are moved by a common or similar ideological conviction, design, strategy and goal and enjoying the active moral and material support of a foreign power and being guided and directed by intensely devoted, well trained, determined and ruthless groups of men and seeking refuge under the protection of our constitutional liberties to promote and attain their ends, have entered into a conspiracy and have in fact joined and banded their resources and forces together for the prime purposes of, and in fact they have been and are actually staging, undertaking and waging an armed insurrection and rebellion against the Government of the Republic of the Philippines in order to forcibly seized political and state power in this country, overthrow the duly constituted government, and supplant our existing political, social, economic and legal order with an entirely new one whose form of government, whose system of laws, whose conception of God and religion, whose notion of individual rights and family relations, and whose political, social, economic, legal and moral precepts are based on the Marxist-Leninist-Maoist teachings and beliefs;

WHEREAS, these lawless elements, acting in concert through seemingly innocent and harmless, although actually destructive, front organizations which have been infiltrated or deliberately formed by them, have continuously and systematically strengthened and broadened their memberships through sustained and careful recruiting and enlistment of new adherents from among our peasantry, laborers, professionals, intellectuals, students, and mass media personnel, and through such sustained and careful recruitment and enlistment have succeeded in spreading and expanding their control and influence over almost every segment and level of our society throughout the land in their ceaseless effort to erode and weaken the political, social, economic, legal and moral foundations of our existing government, and to influence, manipulate and move peasant, labor, student and terroristic organizations under

their influence or control to commit, as in fact they have committed and still are committing, acts of violence, depredations, sabotage and injuries against our duly constituted authorities, against the members of our law enforcement agencies, and worst of all, against the peaceful members of our society;

WHEREAS, in the fanatical pursuit of their conspiracy and widespread acts of violence, depredations, sabotage and injuries against our people, and in order to provide the essential instrument to direct and carry out their criminal design and unlawful activities, and to achieve their ultimate sinister objectives, these lawless elements have in fact organized, established and are now maintaining a Central Committee, composed of young and dedicated radical students and intellectuals, which is charged with guiding and directing the armed struggle and propaganda assaults against our duly constituted government, and this Central Committee is now imposing its will and asserting its sham authority on certain segments of our population, especially in the rural areas, through varied means of subterfuge deceit, coercion, threats, intimidations, machinations, treachery, violence and other modes of terror, and has been and is illegally exacting financial and other forms of tributes from our people to raise funds and material resources to support its insurrectionary and propaganda activities against our duly constituted government and against our peace-loving people,

WHEREAS, in order to carry out, as in fact they have carried out, their premeditated plan to stage, undertake and wage a full scale armed insurrection and rebellion in this country, these lawless elements have organized, established and are now maintaining a well trained, well armed and highly indoctrinated and greatly expanded insurrectionary force, popularly known as the New People's Army, which has since vigorously pursued and still is vigorously pursuing a relentless and ruthless armed struggle against our duly constituted government and whose unmitigated forays, raids, ambuscades, assaults and reign of terror and acts of lawlessness in the rural areas and in our urban centers brought about the treacherous and cold-blooded assassination of innocent civilians, military personnel of the government and local public officials in many parts of the country, notably in the Cagayan Valley, in Central Luzon, in the Southern Tagalog Region, in the Bicol Area, in the Visayas and in Mindanao, and whose daring and wanton guerrilla activities have generated and sown fear and panic among our people, have created a climate of

chaos and disorder, produced a state of political, social, psychological and economic instability in our land, and have inflicted great suffering and irreparable injury to persons and property in our society;

WHEREAS, these lawless elements, their cadres, fellow-travelers, friends, sympathizers and supporters have for many years up to the present time been mounting sustained, massive and destructive propaganda assaults against our duly constituted government, its instrumentalities, agencies and officials, and also against our social, political, economic and religious institutions, through the publications, broadcasts and disseminations of deliberately slanted and overly exaggerated news stories and news commentaries as well as false, vile, foul and scurrilous statements, utterances, writings and pictures through the press-radio-television media and through leaflets, college campus newspapers and some newspapers published and still being published by these lawless elements, notably the "Ang Bayan," "Pulang Bandila" and the "Ang Komunista," all of which are clearly well-conceived, intended and calculated to malign and discredit our duly constituted government, its instrumentalities, agencies and officials before our people, making it appear to the people that our government has become so weak and so impotent to perform and discharge its functions and responsibilities in our society and to our people, and thus undermine and destroy the faith and loyalty and allegiance of our people in and alienate their support for their duly constituted government, its instrumentalities, agencies and officials, and thereby gradually erode and weaken as in fact they have so eroded and weakened the will of our people to sustain and defend our government and our democratic way of life;

WHEREAS, these lawless elements having taken up arms against our duly constituted government and against our people, and having committed and are still committing acts of armed insurrection and rebellion consisting of armed raids, forays, sorties, ambushes, wanton acts of murders, spoilage, plunder, looting, arsons, destruction of public and private buildings, and attacks against innocent and defenseless civilian lives and property, all of which activities have seriously endangered and continue to endanger public order and safety and security of the nation, and acting with cunning and manifest precision and deliberation and without regard to the health, safety and well-being of the people, are now implementing their plan to cause widespread, massive and systematic destruction and paralyzation of vital public utilities and services, particularly water systems, sources of electrical power, com-

munication and transportation facilities, to the great detriment, suffering, injury and prejudice of our people and the nation and to generate a deep psychological fear and panic among our people;

WHEREAS, the Supreme Court in the cases brought before it, docketed as G. R. Nos. L-33964, L-33965, L-33973, L-33982, L-34004, L-34013, L-34039, L-34265, and L-34339, as a consequence of the suspension of the privilege of the writ of *habeas corpus* by me as President of the Philippines in my Proclamation No. 889, dated August 21, 1971, as amended, has found that in truth and in fact there exists an actual insurrection and rebellion in the country by a sizeable group of men who have publicly risen in arms to overthrow the government. Here is what the Supreme Court said in its decision promulgated on December 11, 1971:

“xxx our jurisprudence attests abundantly to the Communist activities in the Philippines, especially in Manila, from the late twenties to the early thirties, then aimed principally at incitement to sedition or rebellion, as the immediate objective. Upon the establishment of the Commonwealth of the Philippines, the movement seemed to have waned notably; but, the outbreak of World War II in the Pacific and the miseries, the devastation and havoc, and the proliferation of unlicensed firearms concomitant with the military occupation of the Philippines and its subsequent liberation, brought about, in the late forties, a resurgence of the Communist threat, with such vigor as to be able to organize and operate in Central Luzon an army — called HUKBALAHAP, during the occupation, and renamed Hukbong Mapagpalaya ng Bayan (HMB) after liberation—which clashed several times with the armed forces of the Republic. This prompted then President Quirino to issue Proclamation No. 210, dated October 22, 1950, suspending the privilege of the writ of *habeas corpus*, the validity of which was upheld in Montenegro vs. Castañeda. Days before the promulgation of said Proclamation or on October 18, 1950, members of the Communist Politburo in the Philippines were apprehended in Manila. Subsequently accused and convicted of the crime of rebellion, they served their respective sentences.

“The fifties saw a comparative lull in Communist activities, insofar as peace and order were concerned. Still, on June 20, 1957, Republic Act No. 1700, otherwise known as the Anti-Subversion Act,

was approved, upon the grounds stated in the very preamble of said statute—that

"x x x the Communist Party of the Philippines, although purportedly a political party, is in fact an organized conspiracy to overthrow the Government of the Republic of the Philippines, not only by force and violence but also by deceit, subversion and other illegal means, for the purpose of establishing in the Philippines a totalitarian regime subject to alien domination and control;

"x x x the continued existence and activities of the Communist Party of the Philippines constitutes a *clear, present and grave* danger to the security of the Philippines; and

"x x x in the fact of the organized, systematic and persistent subversion, national in scope but international in direction, posed by the Communist Party of the Philippines and its activities, there is urgent need for special legislation to cope with this continuing menace to the freedom and security of the country x x x." In the language of the Report on Central Luzon, submitted on September 4, 1971 by the Senate Ad Hoc Committee of Seven—copy of which Report was filed in these cases by the petitioners herein—

"The years following 1963 saw the successive emergence in the country of several mass organizations, notably the Lapiang Manggagawa (now the Socialist Party of the Philippines) among the workers; the Malayang Samahan ng Mga Magsasaka (MASAKA) among the peasantry; the Kabataang Makabayan (KM) among the youth/students; and the Movement for the Advancement of Nationalism (MAN) among the intellectuals/professionals, the PKP has exerted all-out effort to infiltrate, influence and utilize these organizations in promoting its radical brand of nationalism."

Meanwhile, the Communist leaders in the Philippines had been split into two (2) groups, one of which—composed mainly of young radicals, constituting the Maoist faction—reorganized the Communist Party of the Philippines early in 1969 and established a New People's

Army. This faction adheres to the Maoist concept of the "Protracted People's War" or "War of National Liberation." Its "Programme for a People's Democratic Revolution" states *inter alia*:

"The Communist Party of the Philippines is determined to implement its general programme for a people's democratic revolution. All Filipino communists are ready to sacrifice their lives for the worthy cause of achieving the new type of democracy, of building a new Philippines that is genuinely and completely independent, democratic, united, just and prosperous . . .

x x x

x x x

x x x

'The central task of any revolutionary movement is to seize political power. The *Communist Party of the Philippines* assumes this task at a time that both the international and national situations are favorable to taking the road of armed revolution . . .'

"In the year 1969, the NPA had, according to the records of the the Department of National Defense-conducted raids, resorted to kidnappings and taken part in other violent incidents numbering over 230, in which it inflicted 404 casualties, and, in turn, suffered 243 losses. In 1970, its record of violent incidents was about the same, but the NPA casualties more than doubled.

"At any rate, two (2) facts are undeniable: (a) all Communists, whether they belong to the traditional group or to the Maoist faction, believe that force and violence are indispensable to the attainment of their main and ultimate objective, and act in accordance with such belief, although they disagree on the means to be used at a given time and in a particular place; and (b) there is a New People's Army, other, of course, than the armed forces of the Republic and antagonistic thereto. Such New People's Army is *per se*, proof of the existence of a rebellion, especially considering that its establishment was *announced publicly* by the reorganized CPP. Such announcement is in the nature of a public challenge to the duly constituted authorities and may be likened to a declaration of war, sufficient to establish a war status or a condition of belligerency, even before the actual commencement of hostilities.

"We entertain, therefore, no doubts about the existence of a sizeable group of men who have publicly risen in arms to overthrow the government and have thus been and still are engaged in rebellion against the Government of the Philippines."

WHEREAS, these lawless elements have to a considerable extent succeeded in impeding our duly constituted authorities from performing their functions and discharging their duties and responsibilities in accordance with our laws and our Constitution to the great damage, prejudice and detriment of the people and the nation;

WHEREAS, it is evident that there is throughout the land a state of anarchy and lawlessness, chaos and disorder, turmoil and destruction of a magnitude equivalent to an actual war between the forces of our duly constituted government and the New People's Army and their satellite organizations because of the unmitigated forays, raids, ambuscades, assaults, violence, murders, assassinations, acts of terror, deceits, coercions, threats, intimidations, treachery, machinations, arsons, plunders and depredations committed and being committed by the aforesaid lawless elements who have pledged to the whole nation that they will not stop their dastardly effort and scheme until and unless they have fully attained their primary and ultimate purpose of forcibly seizing political and state power in this country by overthrowing our present duly constituted government, by destroying our democratic way of life and our established secular and religious institutions and beliefs, and by supplanting our existing political, social, economic, legal and moral order with an entirely new one whose form of government, whose notion of individual rights and family relations, and whose political, social, economic and moral precepts are based on the Marxist-Leninist-Maoist teachings and beliefs;

WHEREAS, the Supreme Court in its said decision concluded that the unlawful activities of the aforesaid lawless elements actually pose a clear, present and grave danger to public safety and the security of the nation and in support of that conclusion found that:

"x x x the Executive had information and reports—subsequently confirmed, in many respects, by the above-mentioned Report of the Senate Ad Hoc Committee of Seven—to the effect that the Communist Party of the Philippines does not merely adhere to Lenin's idea of a swift armed uprising; that it has, also, adopted Ho Chi

Minh's terrorist tactics and resorted to the assassination of uncooperative local officials; that, in line with this policy, the insurgents have killed 5 mayors, 20 barrio captains and 3 chiefs of police; that there were fourteen (14) meaningful bombing incidents in the Greater Manila Area in 1970; that the Constitutional Convention Hall was bombed on June 12, 1971; that soon after the Plaza Miranda incident, the NAWASA main pipe at the Quezon City-San Juan boundary was bombed; that this was followed closely by the bombing of the Manila City Hall, the COMELEC Building, the Congress Building and the MERALCO sub-station at Cubao, Quezon City; and that the respective residences of Senator Jose J. Roy and Congressman Eduardo Cojuangco were, likewise, bombed, as were the MERALCO main office premises, along Ortigas Avenue, and the Doctor's Pharmaceuticals, Inc. Building in Caloocan City.

"x x x the reorganized Communist Party of the Philippines has, moreover, adopted Mao's concept of protracted people's war, aimed at the paralyzation of the will to resist of the government, of the political, economic and intellectual leadership, and of the people themselves; that conformably to such concept, the Party has placed special emphasis upon a most extensive and intensive program of subversion by the establishment of front organizations in urban centers, the organization of armed city partisans and the infiltration in student groups, labor unions, and farmer and professional groups; that the CPP has managed to infiltrate or establish and control nine (9) major labor organizations; that it has exploited the youth movement and succeeded in making Communist fronts of eleven (11) major student or youth organizations; that there are, accordingly, about thirty (30) mass organizations actively advancing the CPP interests, among which are the Malayang Samahan ng Magsasaka (MASAKA), the Kabataang Makabayan (KM), the Movement for the Advancement of Nationalism (MAN), the Samahang Demokratiko ng Kabataan (SDK), the Samahang Molave (SM), and the Malayang Pagkakaisa ng Kabataang Pilipino (MPKP); that, as of August, 1971, the KM had two hundred forty-five (245) operational chapters throughout the Philippines, of which seventy-three (73) were in the Greater Manila Area, sixty (60) in Northern Luzon, forty-nine (49) in Central Luzon, forty-two (42) in the Visayas and twenty-one (21) in Mindanao and Sulu; that in 1970, the Party had recorded two hundred fifty-eight (258) major demonstrations, of which about thirty-three (33) ended in violence,

resulting in fifteen (15) killed and over five hundred (500) injured; that most of these actions were organized, coordinated or led by the aforementioned front organizations; that the violent demonstrations were generally instigated by a small, but well-trained group of armed agitators; that the number of demonstrations heretofore staged in 1971 has already exceeded those of 1970; and that twenty-four (24) of these demonstrations were violent and resulted in the death of fifteen (15) persons and the injury of many more.

"Subsequent events x x x have also proven x x x the threat to public safety posed by the New People's Army. Indeed, it appears that, since August 21, 1971, it had in Northern Luzon six (6) encounters and staged one (1) raid, in consequences of which seven (7) soldiers lost their lives and two (2) others were wounded, whereas the insurgents suffered five (5) casualties; that on August 26, 1971, a well-armed group of NPA, trained by defector Lt. Victor Corpus, attacked the very command post of TF LAWIN in Isabela, destroying two (2) helicopters and one (1) plane, and wounding one (1) soldier; that the NPA had in Central Luzon a total of four (4) encounters, with two (2) killed and three (3) wounded on the side of the Government, one (1) BSDU killed and three (3) KM-SDK leader, an unidentified dissident, and Commander Panchito, leader of the dissident group were killed; that on August 26, 1971, there was an encounter in the barrio of San Pedro, Iriga City, Camarines Sur, between the PC and the NPA, in which a PC and two (2) KM members were killed, that the current disturbances in Cotabato and the Lanao provinces have been rendered more complex by the involvement of the CPP/NPA, for, in mid-1971, a KM group, headed by Jovencio Esparagoza, contacted the Higa-onan tribes, in their settlement in Magsaysay, Misamis Oriental, and offered them books, pamphlets and brochures of Mao Tse-tung, as well as conducted teach-ins in the reservation; that Esparagoza was reportedly killed on September 22, 1971 in an operation of the PC in said reservation; and that there are now two (2) NPA cadres in Mindanao.

"It should, also, be noted that adherents of the CPP and its front organizations are, according to intelligence findings, definitely capable of preparing powerful explosives out of locally available materials; that the bomb used in the Constitutional Convention Hall was a 'Claymore' mine, a powerful explosive device used by the U.S.

Army, believed to have been one of many pilfered from the Subic Naval Base a few days before; that the President had received intelligence information to the effect that there was a July-August Plan involving a wave of assassinations, kidnappings, terrorism and mass destruction of property and that an extraordinary occurrence would signal the beginning of said event; that the rather serious condition of peace and order in Mindanao, particularly in Cotabato and Lanao, demanded the presence therein of forces sufficient to cope with the situation; that a sizeable part of our armed forces discharges other functions; and that the expansion of the CPP activities from Central Luzon to other parts of the country, particularly Manila and its suburbs, the Cagayan Valley, Ifugao, Zambales, Laguna, Quezon and the Bicol Region, required that the rest of our armed forces be spread thin over a wide area."

WHEREAS, in the unwavering prosecution of their revolutionary war against the Filipino people and their duly constituted government, the aforesaid lawless elements have, in the months of May, June and July, 1972, succeeded in bringing and introducing into the country at Digoyo Point, Palanan, Isabela and at other undetermined points along the Pacific coastline of Luzon, a substantial quantity of war material consisting of M-14 rifles estimated to be some 3,500 pieces, several dozens of 40 mm rocket launchers which are said to be Chicom copies of a Russian prototype rocket launcher, large quantities of 80 mm rockets and ammunitions, and other combat paraphernalia, of which war material some had been discovered and captured by government military forces, and the bringing and introduction of such quantity and type of war material into the country is a mute but eloquent proof of the sinister plan of the aforesaid lawless elements to hasten the escalation of their present revolutionary war against the Filipino people and their legitimate government;

WHEREAS, in the execution of their overall revolutionary plan, the aforesaid lawless elements have prepared and released to their various field commanders and party workers a document captioned "REGIONAL PROGRAM OF ACTION 1972," a copy of which was captured by elements of the 116th and 119th Philippine Constabulary Companies on June 18, 1972 at Barrio Taringsing, Cordon, Isabela, the text of which reads as follows:

*end*

## "REGIONAL PROGRAM OF ACTION 1972

"The following Regional Program of Action for 1972 is prepared to be carried out as part of the overall plan of the party to foment discontent and precipitate the tide of nationwide mass revolution. The fascist Marcos and his reactionary members of Congress is expected to prepare themselves for the 1973 hence:

"January-June:

"1. Intensify recruitment of new party members especially from the workers-farmers class. Cadres are being trained in order to organize the different regional bureaus. These bureaus must concentrate on mass action and organization to promote advancement of the mass revolutionary movement. Reference is made to the 'Borador ng Programa sa Pagkilos at Ulat ng Panlipunang Pagsisiyasat' as approved by the Central Committee.

"2. Recruit and train armed city partisans and urban guerrillas and organize them into units under Party cadres and activists of mass organizations. These units must undergo specialized training on explosives and demolition and other forms of sabotage.

"3. Intensify recruit and training of new members for the New People's Army in preparation for limited offensive in selected areas in the regions.

"4. Support a more aggressive program of agitation and propaganda against reactionary armed forces and against the Con Con.

"July-August:

"During this period the party expects the puppet Marcos government to allow increase in bus rates thus aggravating further the plight of students, workers and the farmers.

"1. All Regional Party Committees must plan for a general strike movement. The Regional Operational Commands must plan for armed support if the fascist armed forces of Marcos will try to intimidate the oppressed Filipino masses.

"2. Conduct sabotage against schools, colleges and universities hiking tuition fees.

"3. Conduct sabotage and agitation against puppet judges and courts hearing cases against top party leaders.

"4. Create regional chaos and disorder to dramatize the inability of the fascist Marcos government to keep and maintain peace and order thru:

- "a) Robbery and hold-up of banks controlled by American imperialists and those belonging to the enemies of the people.
- "b) Attack military camps, US bases and towns.
- "c) More violent strikes and demonstrations.

"September-October:

"Increase intensity of violence, disorder and confusion:

"1. Intensify sabotage and bombing of government buildings and embassies and other utilities:

- "a) Congress
- "b) Supreme Court
- "c) Con Con
- "d) City Hall
- "e) US Embassy
- "f) Facilities of US Bases
- "g) Provincial Capitols
- "h) Power Plants
- "i) PLDT
- "j) Radio Stations

"2. Sporadic attacks on camps, towns and cities.

"3. Assassinate high government officials of Congress, Judiciary, Con Con and private individuals sympathetic to puppet Marcos.

"4. Establish provisional revolutionary government in towns and cities with the support of the masses.

"5. With the sympathetic support of our allies, establish provisional provincial revolutionary governments.

"CENTRAL COMMITTEE  
COMMUNIST PARTY OF THE  
PHILIPPINES"

WHEREAS, in line with their "REGIONAL PROGRAM OF ACTION 1972," the aforesaid lawless elements have of late been conducting intensified acts of violence and terrorisms during the current year in the Greater Manila Area such as the bombing of the Arca building at Taft Avenue, Pasay City, on March 15; of the Filipinas Orient Airways board room at Domestic Road, Pasay City on April 23; of the Vietnamese Embassy on May 30; of the Court of Industrial Relations on June 23; of the Philippine Trust Company branch office in Cubao, Quezon City on June 24; of the Philamlife building at United Nations Avenue, Manila, on July 3; of the Tabacalera Cigar & Cigarette Factory Compound at Marquez de Comillas, Manila on July 27; of the PLDT exchange office at East Avenue, Quezon City, and of the Philippine Sugar Institute building at North Avenue, Diliman, Quezon City, both on August 15; of the Department of Social Welfare building at San Rafael Street, Sampaloc, Manila, on August 17; of a watermain on Aurora Boulevard and Madison Avenue, Quezon City on August 19; of the Philamlife building again on August 30; this time causing severe destruction on the Far East Bank and Trust Company building nearby; of the armored car and building of the Philippine Banking Corporation as well as the buildings of the Investment Development Inc. and the Daily Star Publications when another explosion took place on Railroad Street, Port Area, Manila, also on August 30; of Joe's Department Store on Carriedo Street, Quiapo, on September 5, causing death to one woman and injuries to some 38 individuals; and of the City Hall of Manila on September 8; of the watermains in San Juan, Rizal on September 12; of the San Miguel building in Makati, Rizal on September 14; and of the Quezon City Hall on September 18, 1972, as well as the attempted bombing of the Congress Building on July 18, when an unexploded bomb was found in the Senate Publication Division and the attempted bombing of the Department of Foreign Affairs on August 30;

WHEREAS, in line with the same "REGIONAL PROGRAM OF ACTION 1972," the aforesaid lawless elements have also fielded in the Greater Manila Area several of their "Sparrow Units" or "Simbad Units" to undertake liquidation missions against ranking government officials, military personnel and prominent citizens and to further heighten the destructions and depredations already inflicted by them upon our innocent people, all of which are being deliberately done to sow terror, fear and chaos amongst our population and to make the government look so helpless and incapable of protecting the lives and property of our people;

WHEREAS, in addition to the above-described social disorder, there is also the equally serious disorder in Mindanao and Sulu resulting from the unsettled conflict between certain elements of the Christian and Muslim population of Mindanao and Sulu, between the Christian "Ilagas" and the Muslim "Barracudas," and between our government troops, and certain lawless organizations such as the Mindanao Independence Movement;

WHEREAS, the Mindanao Independence Movement with the active material and financial assistance of foreign political and economic interests, is engaged in an open and unconcealed attempt to establish by violence and force a separate and independent political state out of the islands of Mindanao and Sulu which are historically, politically and by law parts of the territories and within the jurisdiction and sovereignty of the Republic of the Philippines;

WHEREAS, because of the aforesaid disorder resulting from armed clashes, killings, massacres, arsons, rapes, pillages, destruction of whole villages and towns and the inevitable cessation of agricultural and industrial operations, all of which have been brought about by the violence inflicted by the Christians, the Muslims, the "Ilagas," the "Barracudas," and the Mindanao Independence Movement against each other and against our government troops, a great many parts of the islands of Mindanao and Sulu are virtually now in a state of actual war;

WHEREAS, the violent disorder in Mindanao and Sulu has to date resulted in the killing of over 1,000 civilians and about 2,000 armed Muslims and Christians, not to mention the more than five hundred thousand of injured, displaced and homeless persons as well as the great number of casualties among our government troops, and the paralyzation of the economy of Mindanao and Sulu;

WHEREAS, because of the foregoing acts of armed insurrection, wanton destruction of human lives and property, unabated and unrestrained propaganda attacks against the government and its institutions, instrumentalities, agencies and officials, and the rapidly expanding ranks of the aforesaid lawless elements, and because of the spreading lawlessness and anarchy throughout the land, all of which have prevented the government to exercise its authority, extend to its citizenry the protection of its laws and in general exercise its sovereignty over all of its territories,

caused serious demoralization among our people and have made the public apprehensive and fearful, and finally because public order and safety and security of this nation demand that immediate, swift, decisive and effective action be taken to protect and insure the peace, order and security of the country and its population and to maintain the authority of the government;

WHEREAS, in cases of invasion, insurrection or rebellion or imminent danger thereof, I, as President of the Philippines, have under the Constitution, three courses of action open to me, namely: (a) call out the armed forces to suppress the present lawless violence; (b) suspend the privilege of the writ of *habeas corpus* to make the arrest and apprehension of these lawless elements easier and more effective; or (c) place the Philippines or any part thereof under martial law;

WHEREAS, I have already utilized the first two courses of action, first, by calling upon the armed forces to suppress the aforesaid lawless violence, committing to that specific job almost 50% of the entire armed forces of the country and creating several task forces for that purpose such as Task Force Saranay, Task Force Palanan, Task Force Isarog, Task Force Pagkakaisa and Task Force Lancaf, and second, by suspending the privilege of the writ of *habeas corpus* on August 21, 1971 up to January 11, 1972, but in spite of all that, both courses of action were found inadequate and ineffective to contain, much less solve, the present rebellion and lawlessness in the country as shown by the fact that:

1. The radical left has increased the number and area of operation of its front organizations and has intensified the recruitment and training of new adherents in the urban rural areas especially from among the youth;
2. The Kabataang Makabayan (KM), the most militant and outspoken front organization of the radical left, has increased the number of its chapters from 200 as of the end of 1970 to 317 as of July 31, 1972 and its membership from 10,000 as of the end of 1970 to 15,000 as of the end of July, 1972, showing very clearly the rapid growth of the communist movement in this country;
3. The Samahang Demokratiko Ng Kabataan (SDK), another militant and outspoken front organization of the radical left, has also in-

creased the number of its chapters from an insignificant number at the end of 1970 to 159 as of the end of July, 1972 and has now a membership of some 1,495 highly indoctrinated, intensely committed and almost fanatically devoted individuals;

4. The New People's Army, the most active and the most violent and ruthless military arm of the radical left, has increased its total strength from an estimated 6,500 (composed of 560 regulars, 1,500 combat support and 4,400 service support) as of January 1, 1972 to about 7,900 (composed of 1,028 regulars, 1,800 combat support and 5,025 service support) as of July 31, 1972, showing a marked increase in its regular troops of over 100% in such a short period of six months;

5. The establishment of sanctuaries for the insurgents in Isabela, in Zambales, in Camarines Sur, and in some parts of Mindanao, a development heretofore unknown in our campaign against subversion and insurgency in this country;

6. The disappearance and dropping out of school of some 3,000 high school and college students and who are reported to have joined with the insurgents for training in the handling of firearms and explosives;

7. The bringing and introduction into the country of substantial war material consisting of military hardware and supplies through the MV Karagatan at Digoyo Point, Palanan, Isabela, and the fact that many of these military hardware and supplies are now in the hands of the insurgents and are being used against our government troops;

8. The infiltration and control of the media by persons who are sympathetic to the insurgents and the consequent intensification of their propaganda assault against the government and the military establishment of the government;

9. The formation of the grassroot level of "political power organ," heretofore unknown in the history of the Communist movement in this country, composed of Barrio Organizing Committees (BOCs) to mobilize the barrio people for active involvement in the revolution; the Barrio Revolutionary Committees (BRCS) to act as "local governments" in barrios considered as CPP/NPA bailiwicks; the Workers Organizing Com-

mittees (WOCs) to organize workers from all sectors; the School Organizing Committees (SOCs) to conduct agitation and propaganda activities and help in the expansion of front groups among the studentry; and the Community Organizing Committees (COCs) which operate in the urban areas in the same manner as the BOCs.

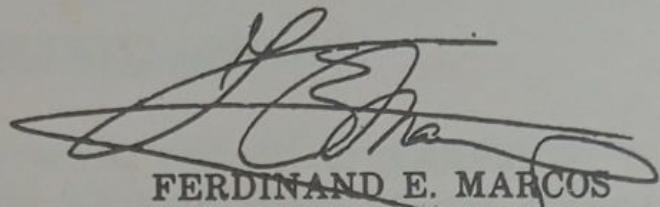
WHEREAS, the rebellion and armed action undertaken by these lawless elements of the communist and other armed aggrupations organized to overthrow the Republic of the Philippines by armed violence and force have assumed the magnitude of an actual state of war against our people and the Republic of the Philippines;

NOW THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested upon me by Article VII, Section 10, Paragraph (2) of the Constitution, do hereby place the entire Philippines as defined in Article I, Section 1 of the Constitution under martial law and, in my capacity as their commander-in-chief, do hereby command the Armed Forces of the Philippines, to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all the laws and decrees, orders and regulations promulgated by me personally or upon my direction.

In addition, I do hereby order that all persons presently detained, as well as all others who may hereafter be similarly detained for the crimes of insurrection or rebellion, and all other crimes and offenses committed in furtherance or on the occasion thereof, or incident thereto, or in connection therewith, for crimes against national security and the law of nations, crimes against public order, crimes involving usurpation of authority, rank, title and improper use of names, uniforms and insignia, crimes committed by public officers, and for such other crimes as will be enumerated in Orders that I shall subsequently promulgate, as well as crimes as a consequence of any violation of any decree, order or regulation promulgated by me personally or promulgated upon my direction shall be kept under detention until otherwise ordered released by me or by my duly designated representative.

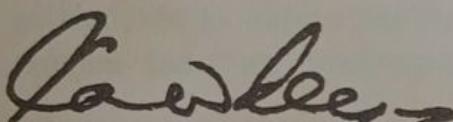
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of September, in the year of Our Lord, nineteen hundred and seventy-two.



FERDINAND E. MARCOS  
President  
Republic of the Philippines

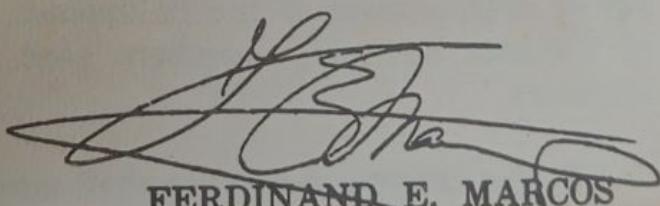
By the President:



ROBERTO V. REYES  
Assistant Executive Secretary

ATTN:

This proclamation while prepared and signed on the 21st of September was transmitted to the Defense Authorities through Secretary Juan Ponce Enrile on the 22nd of September for implementation upon my clearance. Such clearance for implementation was given at 9:00 p.m., 22nd September after the ambush of Secretary Juan Ponce Enrile at 8:10 p.m. at Wack Wack Subdivision, Mandaluyong, Rizal.



FERDINAND E. MARCOS  
President  
Republic of the Philippines

MALACAÑANG  
Manila

PRESIDENTIAL DECREE No. 86

CREATING CITIZENS ASSEMBLIES

WHEREAS, the Revised Barrio Charter, Republic Act No. 3590, provides for the Barrio Assembly consisting of all persons who are residents of the barrio for at least six months, eighteen years of age or over, citizens of the Republic of the Philippines and who are duly registered in the list of Barrio Assembly members kept by the barrio secretary;

WHEREAS, it is necessary to broaden the base of citizen participation in the democratic process and to afford ample opportunities for the citizenry to express their views on important national issues;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, do hereby decree as part of the law of the land the following:

1. There is hereby created in each Barrio in municipalities and in each district in chartered cities a Citizens Assembly; provided that in the case of the City of Manila and other cities where there are no barrios, there shall be a Citizens Assembly for every ward.

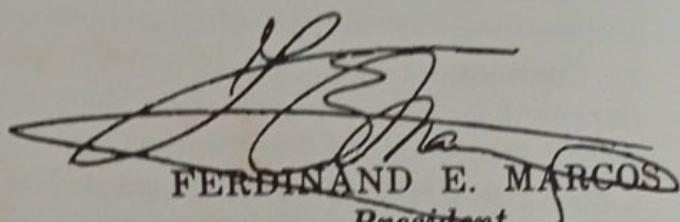
2. The Citizens Assembly shall consist of all persons who are residents of the barrio, district or ward for at least six months, fifteen years of age or over, citizens of the Philippines and who are registered in the list of Citizens Assembly members kept by the barrio, district or ward secretary.

3. The Citizens Assembly shall meet at the call of the barrio captain, the district or ward leader or at the request of at least one-tenth of the members to consider matters of local or national concern.

4. For the purpose of conducting business and taking any official action in the Citizens Assembly, at least one-fifth of the members should be present to constitute a quorum. The proceedings shall be recorded by the barrio, district or ward secretary or in his absence, any member designated as acting secretary by the barrio captain or district or ward leader.

5. This Decree shall take effect immediately.

DONE in the City of Manila, this 31st day of December, in the year of Our Lord, nineteen hundred and seventy-two.



FERDINAND E. MARCOS  
President  
Republic of the Philippines

MALACAÑANG  
Manila

PRESIDENTIAL DECREE No. 228

SETTING JULY 27, 1973, AS THE DATE FOR THE HOLDING OF  
A NATIONAL REFERENDUM FOR BARANGAYS  
(CITIZENS ASSEMBLIES)

WHEREAS, it is imperative that the people's views on current national issues be ascertained periodically and as often as possible;

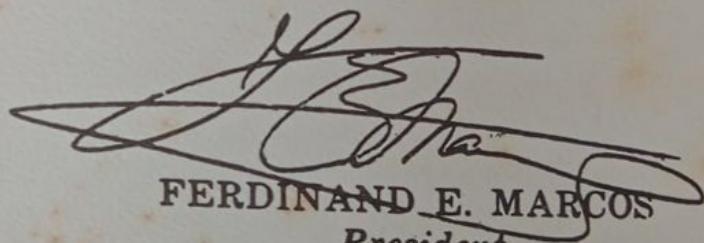
NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1 dated September 22, 1972, do hereby set July 27, 1973, as a date for the holding of a nationwide referendum for all the Barangays (Citizens Assemblies) throughout the country.

The Commission on Elections shall, after consultations with all sectors of the nation, determine the issue of issues to be submitted for resolution in the referendum.

The Commission on Elections shall promulgate the rules and regulations necessary to implement this Decree.

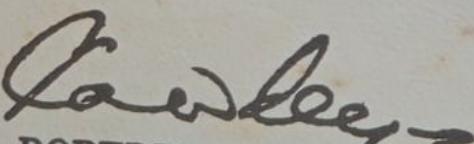
This Decree shall take effect immediately.

Done in the City of Manila this 26th day of June, in the year of Our Lord, nineteen hundred and seventy-three.



FERDINAND E. MARCOS  
President  
Republic of the Philippines

By the President:



ROBERTO V. REYES  
Acting Executive Secretary

MALACAÑANG  
Manila

GENERAL ORDER No. 32

ENCOURAGING THE PEOPLE TO DISCUSS AND DEBATE FREELY  
BEFORE AND DURING THE REFERENDUM ON JULY 27, 1973  
THE QUESTION TO BE RESOLVED IN SAID REFERENDUM.

WHEREAS, by Presidential Decrees Nos. 86 and 86-A, I created Barangays (Citizens Assemblies) and designated them to constitute the base for citizen participation in governmental affairs whose views shall be considered in the formulation of national policies and programs;

WHEREAS, by Presidential Decree No. 228, I directed that a nationwide referendum for all the Barangays be held on July 27, 1973;

WHEREAS, it is desirable that our people shall be afforded the fullest opportunity to discuss and debate freely and publicly the question to be resolved in the referendum;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended, order and enjoin the Armed Forces of the Philippines and/or other Departments and agencies of the Government, to encourage, and not to interfere in the public and free discussion and debate on the question to be resolved in the referendum.

More particularly, I order:

1. That no person shall be questioned, interrogated, or investigated before or after the referendum for any speech, remarks or statement in any discussion or debate intended to explain the question to be resolved or to enlighten the people about it, for or against the question, made in public rallies or debates, in printed or other forms of communication, radio or television, and such remarks, statements or views shall not be admissible as evidence in any investigation or action against the person or persons making them.

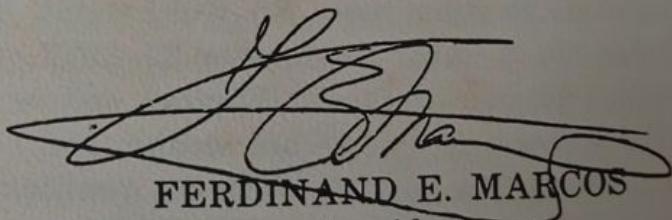
2. That the printing of pamphlets, leaflets, posters, handbills and other printed materials designed to explain or discuss the question or to enlighten the people about it, and the dissemination or circulation of these materials shall be allowed and in no way restricted and that no person shall be held to account for views expressed in these printed materials, which shall likewise be inadmissible as evidence in any investigation or action against the persons printing, publishing or circulating them.

I direct the Secretary of National Defense to adopt all measures to ensure that this General Order is observed faithfully by all the officers and men in the field and everywhere else in the country.

I likewise order the heads of the other executive departments, offices and agencies to adopt similar measures to ensure that officers and employees under them faithfully comply with this Order.

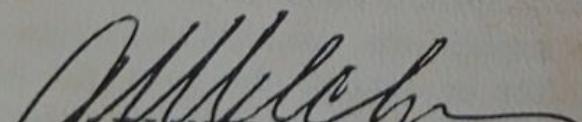
Finally, I enjoin all our people to participate actively in the discussion and debate on the question to be resolved in the referendum, and to express their views on it in any other manner or in any form, printed or otherwise, but at the same time respect the freedom of others to do likewise.

Done in the City of Manila, this 23rd day of July, in the year of Our Lord, nineteen hundred and seventy-three.



FERDINAND E. MARCOS  
President  
Republic of the Philippines

By the President:



ALEJANDRO MELCHOR  
Executive Secretary

MALACAÑANG  
MANILA

PRESIDENTIAL DECREE No. 229

PROVIDING FOR THE MANNER OF VOTING AND CANVASS OF VOTES IN BARANGAYS (CITIZENS ASSEMBLIES)

WHEREAS, Presidential Decree No. 210 dated June 8, 1973 provides for a system of registration for members of barangays (Citizens Assemblies);

WHEREAS, the collective views of the members of barangays (Citizens Assemblies) should be ascertained with accuracy so that their decisions on national or local issues be given effect;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1 dated September 22, 1972, do hereby order and decree to be part of the laws of the land the following:

SECTION 1. *Supervision of the Commission on Elections*—The Commission on Elections shall, in addition to the powers and functions conferred upon it by the Constitution, exercise supervision and control over the conduct of voting and canvass of votes in referendums and/or other consultations in barangays (Citizens Assemblies), and shall exercise and perform such other powers and functions as may be necessary to implement this Decree.

SEC. 2. *General meeting of Barangay members*—Whenever a period has been fixed for the holding of a referendum and/or consultation during which the members of barangays (Citizens Assemblies) decide and vote on issues, national or local, the barrio captain or barangay head shall immediately call a general meeting of all the members of the barangay for the purpose of informing them of the date or dates of the referendum and/or consultation, the places of voting and the issue or issues to be resolved.

During this general meeting, there shall be full and constructive discussions and exchange of views on the issue or issues to be resolved among the members of the barangays.

The barrio captain or barangay head may, in his discretion, call as many meetings as may be necessary for the purpose.

SEC. 3. *Barangay referendum committee*—Not later than ten days before the day of the voting, the Commission on Elections shall appoint a barangay referendum committee for each barrio or barangay to conduct the voting and count the votes cast therein. The committee shall be composed of a representative of the Commission on Elections who shall act as Chairman, a member of the barrio or barangay council, and public school teacher in the barrio or barangay.

In case of non-availability or absence of any of those enumerated in the preceding paragraph, the Commission may appoint as substitute any registered member of the barrio or barangay.

Public school teachers who are appointed members of the barangay referendum committee may vote in the barangay center where they are assigned on the day of voting.

SEC. 4. *Designation of barangay center*—Not later than ten days before the day of voting, the Commission on Elections shall designate a barangay center or centers for each barrio or barangay which shall preferably be the barrio hall or any public building where members of the barangay can cast votes: *Provided*, that in barrios or barangays where there are more than six hundred registered members, the commission may authorize the establishment of as many barangay centers for voting purposes in order to facilitate the casting and counting of votes.

SEC. 5. *Observers*—The Commission on Elections may designate in each barangay center not more than five observers, who are members of the barangay. The observers shall have the following powers and duties:

- a) To call the attention of the chairman of the barangay referendum committee on any irregularity committed during the referendum.

b) To report to the election registrar any irregularity committed by the barangay referendum committee.

c) To assist the barangay referendum committee in ensuring the orderly conduct of voting in the barangay center whenever so directed by the chairman of the committee.

SEC. 6. *Who may vote*—Every registered member of the barangay who, on the day of the referendum personally appears before the barangay referendum committee shall be entitled to cast his vote.

Any person whose name has been omitted, for any reason, in the barangay list (barangay form No. 2), shall, upon presentation of his barangay registration record, or upon showing his name is included in the list used in the January 1973 referendum or in the permanent list of voters of the city, municipality or municipal district pursuant to election code of 1971, shall be allowed to vote.

SEC. 7. *Official barangay ballots*—The official ballot shall be of uniform size and color throughout the Philippines and shall be provided at public expense. Said ballots shall be in the shape of strip with stubs and coupons containing detachable numbers of the ballots and a space for the thumbmark of the voter, and shall bear at the top on the middle portion thereof the coat of arms of the Republic of the Philippines, the words “Barangay Ballot”, and the date of the voting, and following note: “Fill out this ballot secretly inside the booth. Do not put any distinctive mark in any part of this ballot,” and the question or questions to be submitted for the determination of the people.

The ballots shall be bound in separate books of two hundred ballots each. There shall not be anything printed on the reverse side of the ballot.

Ballots in cities, municipalities, and municipal districts where Arabic is of general use, shall have translations of the question or questions printed in Arabic in addition to and immediately below the English text.

SEC. 8. *Casting of votes*—Voting shall be by secret ballot which shall be conducted in the barangay center designated by the Commission. It shall start promptly at seven o'clock in the morning and close at six o'clock in the afternoon.

Each voter shall have the right to vote in the order of his entrance to the barangay center, identifying himself to the barangay referendum committee, who will check his name against the barangay list.

All disputes as to procedure before and during the voting shall be decided by the barangay referendum committee by majority vote.

SEC. 9. *Ballot Boxes*—There shall be two ballot boxes for every barangay center. One ballot box shall contain the ballots of voters fifteen years of age and under eighteen, and the second box for ballots of voters eighteen years of age and above.

SEC. 10. *Manner of obtaining and preparing the ballot*—The voter shall approach the chairman of the barangay referendum committee and shall give his name and address together with other data concerning his person. If he is entitled to vote in accordance with Section six hereof, the chairman shall announce his name distinctly and loud enough to be heard clearly throughout the barangay center. The chairman shall then deliver to the voter one ballot correctly folded and require the voter to sign his name in the proper column in the record of voters prescribed by the Commission. The voter shall forthwith go to a vacant voting booth and prepare his ballot in secret. After the voter has filled his ballot he shall fold it in the same manner as when he received it and affix his thumb-mark on the corresponding space in the coupon, and deliver the folded ballot to the chairman. The chairman, in the presence and in the view of the voter and all the members of the committee, without unfolding the ballot, shall remove the coupon and shall deposit the folded ballot, in the compartment for barangay ballots and the detached coupon in the compartment therefor of the proper ballot box as prescribed under Section 9 hereof.

SEC. 11. *Preparation of ballot for illiterate or disabled person*—A registered voter who is illiterate or physically unable to prepare the ballot by himself may choose a person of his confidence to assist him in the preparation of his ballot, preferably a relative by affinity or consanguinity within the fourth civil degree. The person thus chosen shall prepare the ballot for the illiterate or disabled voter inside the voting booth. The person assisting shall bind himself in a formal document to be prescribed by the Commission, not to reveal the contents of the ballot prepared by him.

SEC. 12. *Closing of voting*—The casting of votes shall stop promptly at six o'clock in the afternoon except when there are barangay members present within thirty meters in front of the barangay center waiting to cast their votes, in which case the voting shall continue only as long as it takes these voters to cast their votes without interruption.

As soon as all the voters in the barangay center entitled to vote have cast their votes, the chairman shall formally announce to the public that the voting in the center is closed.

SEC. 13. *Manner of counting the votes*—The ballots contained in the ballot box for voters fifteen years of age and under eighteen shall be counted ahead of the ballot box containing the ballots of voters eighteen years and above. The counting of votes shall be made in the following manner: The committee shall form separate piles of two hundred ballots fully extended which shall be held together with rubber bands. The chairman of the committee shall take the ballots of the first pile one by one and read the votes in the order in which they appear thereon, assuming such a position as would enable all or at least a majority of the observers to read such votes. The other member of the committee shall record on the proper tally sheet the affirmative and negative votes as they are read. Each vote shall be recorded by a vertical line except every fifth vote which shall be recorded by a diagonal line crossing the previous four vertical lines. The third member of the committee shall watch the preparation of the tally sheet. After all the votes cast by those fifteen years of age and under eighteen have been counted, the committee shall sum up the totals recorded for affirmative and negative votes and the aggregate sum shall be recorded on the tally sheet.

The same procedure prescribed in the preceding paragraph shall be followed in the case of the votes cast by those who are eighteen years of age and above.

SEC. 14. *Referendum results*.—Immediately after the count, the barangay referendum committee shall prepare and certify in a form to be prescribed by the Commission on Elections two copies of the referendum results showing the voting in the barrio or barangay. The result shall indicate the date of the voting, the name of the barrio or barangay and the city, municipality or municipal district and province where the barrio or barangay is situated, the number of members of the barangay, the number of members who voted the total number of affirmative votes

cast and the total number of negative votes cast for each issue submitted to the members of the barangay, writing out said number in words and in figures. Each copy of the results shall be enclosed in a special envelope provided for the purpose and shall be distributed as follows: the original shall be transmitted to the Commission on Elections in the manner it may direct and the second copy shall be kept on file by the barrio captain or barangay head.

It is understood that the referendum results will be separately prepared for each of the age groupings in accordance with Section 9 thereof.

*SEC. 15. Canvass by the Commission on Elections.*—On the day of the voting, the Commission on Elections shall convene *en banc* to canvass the referendum results certified by the barangay election committee of each barrio or barangay and, on the basis of said canvass, proclaim the results thereof.

In case there are referendum results which are missing and the votes therein will not affect the result of the voting, the Commission on Elections may terminate the canvass and proclaim the result of the voting on the basis of the available referendum results.

*SEC. 16. Postponement of referendum.*—When for any serious cause such as calamities, floods, or other *force majeure*, violence, terrorism, loss or destruction of referendum paraphernalia or records, and other analogous causes of such a nature that the holding of a referendum becomes impossible in any barangay center or political division or subdivisions, the Commission on Elections, upon verified petition and after due notice and hearing, shall postpone the referendum therein to such time as it may deem necessary, but on a date reasonably close to the date of the referendum not held or suspended.

*SEC. 17. Prohibited acts.*—The following shall be guilty of an offense punishable by imprisonment of not less than one month nor more than six months:

- a) Any foreigner who shall aid, directly or indirectly, or take part in or influence in any manner the outcome of any referendum or shall contribute or make any expenditure in connection therewith;

- b) Any voter or any other person who gives or accepts free of charge, directly or indirectly, transportation, food, or drinks and during a public meeting and during the three hours before and after such meeting, on the day preceding the referendum and on the day of the referendum; or who gives or contributes, directly or indirectly, money or things of value for such purposes;
- c) Any person who solicits votes or undertakes any propaganda on the day of the referendum for or against any issue within the barangay center and within a radius of thirty meters thereof;
- d) Any public officer, or officer of any commercial, industrial, agricultural, economic or social enterprise, private corporation or association, or any employer, who coerces or intimidates or compels directly or indirectly, any of his subordinates or employees, to aid, campaign or vote for or against any issue in any referendum;
- e) Any officer, member or employee of the armed forces of the Philippines or any member thereof without specific authority to assist the Commission in maintaining a free, orderly and honest referendum, or any member of a police force who shall influence in any manner any referendum or take part therein, except to vote if entitled thereto or to preserve public order, if he is a peace officer;
- f) Any person who, without authority, prints or causes the printing of any barangay ballot that appears as official ballot; or who distributes or causes the same to be distributed to be used in the referendum, whether or not they are actually used;
- g) Any person who, without authority, keeps, uses or carries out or causes to be kept, used or carried out, any official ballot or printed proof thereof, type-form mould, electro-type printed plates and any other plates, numbering machines and other printing paraphernalia being used in connection with the printing of official ballots;
- h) Any official or employee of any printing establishment or of the Commission or any member of the committee in charge of the printing of official ballots who causes official ballots to be printed in quantities exceeding those authorized by the Commission or who

distributes, delivers or in any manner disposes or causes to be distributed, delivered, or disposed of, any official ballots to any person or persons not authorized by law or by the Commission to receive or keep official ballots or who sends or causes them to be sent to any place not designated by law or by the Commission;

i) Any person who opens the package of any pad or official ballots before the hour fixed for the start of the voting in the barrio or barangay center on referendum day;

j) Any person who, being a registered voter of the barrio or barangay fails to cast his vote without justifiable excuse;

k) Any person who votes more than once in the same referendum;

l) Any person who votes in substitution for another whether with or without the latter's knowledge and/or consent;

m) Any person who avails himself of any scheme to discover the contents of the ballot of a voter who is preparing or casting his vote or who has just voted, except as otherwise authorized in this decree;

n) Any voter, who in the course of voting, uses a ballot other than the one given by the barangay election committee or who has in his possession more than one official ballot;

o) Any person who places under arrest or detains a voter without lawful cause, or molests him in such a manner as to obstruct or prevent him from going to the barangay center to cast his vote or from returning home after casting his vote or to compel him to reveal how he voted;

p) Any member of the barangay election committee charged with the duty of reading the ballots during the counting of votes who deliberately omits to read the vote duly written on the ballot, or misreads the vote actually written thereon, or reads a vote where no vote is written on the ballot;

- q) Any person who, without authority, acts as, or assumes or performs any function of, a member of the barangay election committee, or deputy or representative of the Commission;
- r) Any person who, in the presence or within the hearing of the barangay election committee during any of its meeting, conducts himself in a disorderly manner in such a way as to interrupt or disrupt its work or proceedings to the end of preventing said body from performing its function, either partly or totally;
- s) Any person who, for the purpose of disrupting or obstructing referendum processes or causing confusion among voters propagates false and alarming reports or information regarding any matter related to the printing of the official ballots, the postponement of referendums, and the transfer of barangay center;
- t) Any person who, without or against the lawful order of the Commission, holds or causes the holding of a referendum on a day other than that fixed by law or by the Commission, or stops a referendum being legally held, or who holds a referendum not legally authorized;
- u) Any person who, without legal authority, destroys, or takes away from the possession of those having legal custody thereof, or from the place where they are legally deposited, any ballot box which contains official ballots of other documents used in the referendum or any referendum results.
- v) Any person having legal custody of the ballot box containing the official ballots used in the referendum who opens or destroys said box or removes or destroys its contents without or against the order of the Commission; or who tampers with the same or any of its contents; or who through omission or negligence enables any person to commit any of the aforementioned acts, or take away said ballot box from his custody;
- w) Any public official, or any person acting in his belief, who relieves any member of the barangay referendum committee or who changes or causes the change of the assignment of members of said committee without authority of the commission;
- x) Any member of the barangay referendum committee who knowingly uses ballots other than the official ballots except in those

cases where the use of emergency ballots is authorized by the commission;

y) Any provincial, city, municipal and municipal district treasurer who neglects or fails to properly preserve and account for any ballot box, documents, forms and other referendum supplies and materials received by him and kept under his custody; and

z) Any person who reveals the contents of any ballot in violation of Section 10 of this decree.

SEC. 18. *Jurisdiction of court*.—The municipal or city courts as the case may be shall have jurisdiction over all the offenses punishable under this decree, subject to appeal to the court of first instance the decision of which shall be final.

SEC. 19. *Prosecution of offenses*.—The Commission on Elections shall, through its duly authorized legal officers, have the power to conduct preliminary investigation of all election offenses punishable by this decree and to prosecute the same.

SEC. 20. *Promulgation of rules and regulations*.—The Commission on Elections shall promulgate such rules and regulations and prescribe such forms necessary to carry out the provisions of this decree.

The Commission on Elections may procure any supplies, materials or service needed for the holding of the referendum either by negotiation or through sealed quotations if it finds the requirements of public bidding impracticable to observe.

The Commission may hire under contractual basis the services of personnel if this method is found to be more expedient and economical.

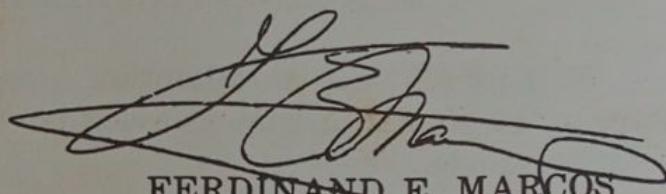
If upon the effectivity of this Decree, it should no longer reasonably be possible to observe the periods and dates herein prescribed, the Commission on Elections shall promulgate rules and regulations governing the same.

SEC. 21. *Repealing clauses*.—All laws, executive orders, decrees, rules and regulations, or parts thereof, inconsistent with the provisions of this Decree are hereby repealed, amended or modified accordingly.

SEC. 22. *Appropriations*—The sum of Four Million Five Hundred Thousand Pesos is hereby appropriated out of any funds in the national treasury not otherwise appropriated to be spent under the exclusive authority of the Commission on Elections to carry out the purposes of this Decree.

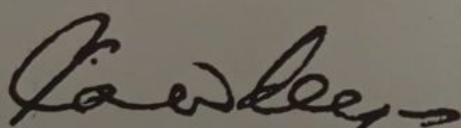
SEC. 23. *Effectivity*—This Decree shall take effect immediately.

Done in the City of Manila, this 28th day of June in the year of Our Lord, nineteen hundred and seventy-three.

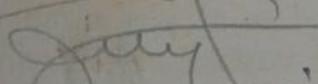


FERDINAND E. MARCOS  
President  
Republic of the Philippines

By the President:



ROBERTO V. REYES  
Acting Executive Secretary

By the Acting Executive Secretary:  
  
FROY MANCERA  
VICE PRESIDENT  
REPUBLIC OF THE PHILIPPINES

MALACAÑANG  
RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 1102

ANNOUNCING THE RATIFICATION BY THE FILIPINO PEOPLE  
OF THE CONSTITUTION PROPOSED BY THE  
1971 CONSTITUTIONAL CONVENTION

WHEREAS, the Constitution proposed by the nineteen hundred seventy-one Constitutional Convention is subject to ratification by the Filipino people;

WHEREAS, Citizens Assemblies were created in barrios in municipalities and in districts/wards in chartered cities pursuant to Presidential Decree No. 86, dated December 31, 1972, composed of all persons who are residents of the barrio, district or ward for at least six months, fifteen years of age or over, citizens of the Philippines and who are registered in the list of Citizen Assembly members kept by the barrio, district or ward secretary;

WHEREAS, the said Citizens Assemblies were established precisely to broaden the base of citizen participation in the democratic process and to afford ample opportunity for the citizenry to express their views on important national issues;

WHEREAS, responding to the clamor of the people and pursuant to Presidential Decree No. 86-A, dated January 5, 1973, the following questions were posed before the Citizens Assemblies or Barangays: Do you approve of the New Constitution? Do you still want a plebiscite to be called to ratify the new Constitution?

WHEREAS, fourteen million nine hundred seventy-six thousand five hundred sixty one (14,976,561) members of all the Barangays (Citizens Assemblies) voted for the adoption of the proposed Constitution, as against seven hundred forty-three thousand eight hundred sixty-nine (743,869) who voted for its rejection; while on the question as to whether

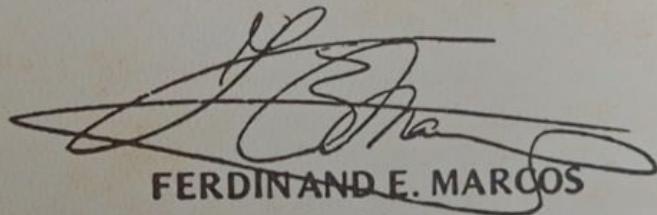
or not the people would still like a plebiscite to be called to ratify the new Constitution, fourteen million two hundred ninety-eight thousand eight hundred fourteen (14,298,814) answered that there was no need for a plebiscite and that the vote of the Barangays (Citizens Assemblies) should be considered as a vote in a plebiscite;

WHEREAS, since the referendum results show that more than ninety-five (95) per cent of the members of the Barangays (Citizens Assemblies) are in favor of the new Constitution, the *Katipunan ng Mga Barangay* has strongly recommended that the new Constitution should already be deemed ratified by the Filipino people;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby certify and proclaim that the Constitution proposed by the nineteen hundred and seventy-one (1971) Constitutional Convention has been ratified by an overwhelming majority of all of the votes cast by the members of all the Barangays (Citizens Assemblies) throughout the Philippines, and has thereby come into effect.

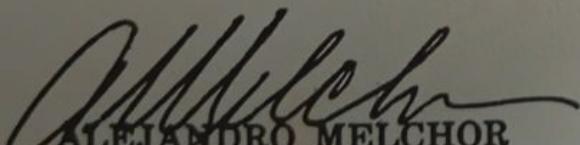
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 17th day of January, in the year of Our Lord, nineteen hundred and seventy-three.

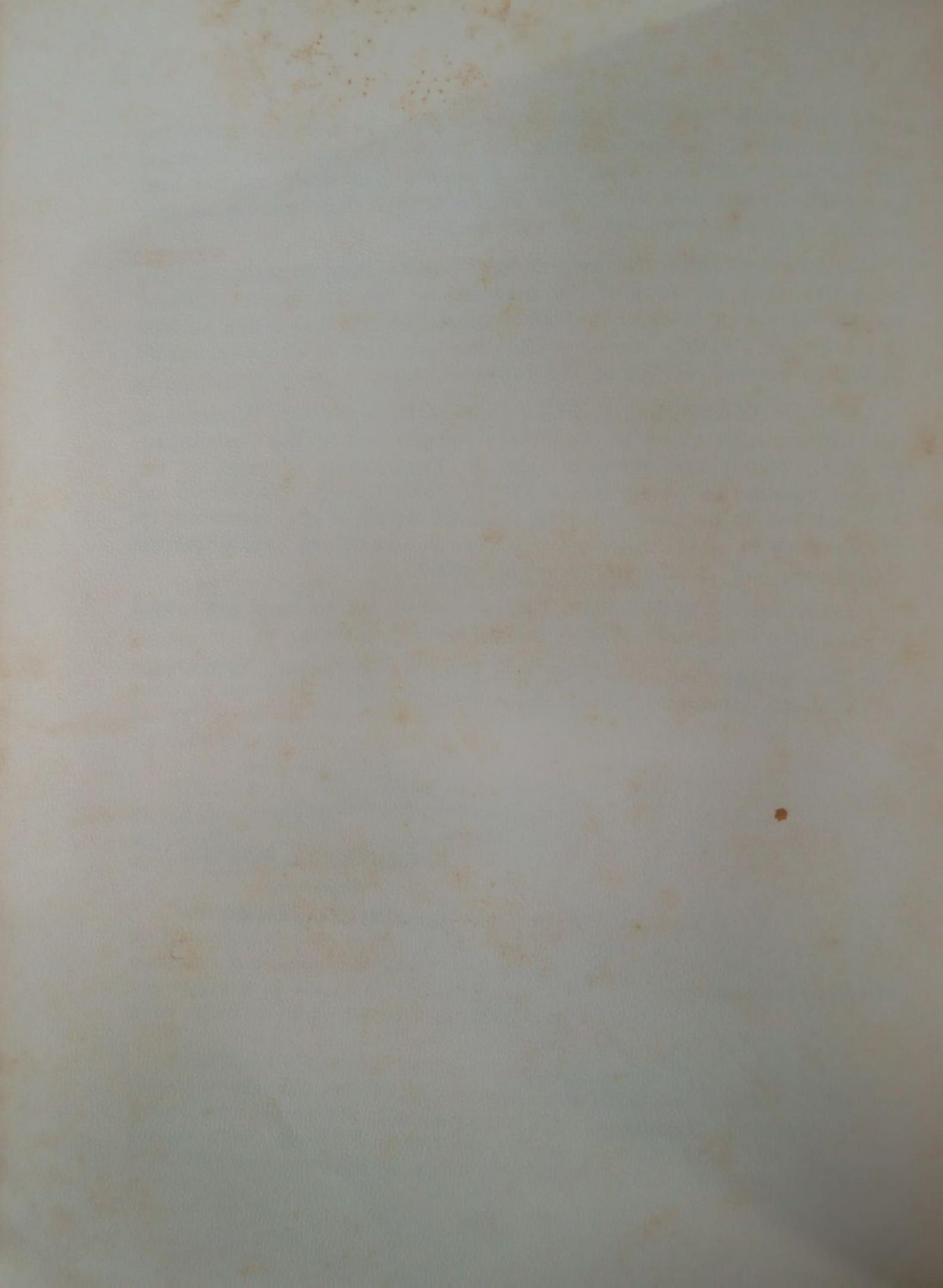


FERDINAND E. MARCOS  
President  
Republic of the Philippines

By the President:



ALEJANDRO MELCHOR  
Executive Secretary



*Index*



adult population, enfranchisement of, 140

African states, 26

Age of Innocence, 81

Age of Responsibility, 81, 82

Agrarian Code, 118-119

Agrarian Reform Program, 117, 137

agricultural cooperative movement intensified, 119

agricultural development, 122

agricultural industries, promotion of, 125

agro-industrial economy, establishment of, 121

aluminum smelter, 124

Amanah Bank, 116

Anarchic conditions in Manila, 19-20

*Anatomy of Revolution*, 50

*Angeles vs. Abaya*, 14

Anti-Subversion Act, 14-15

Arendt, Hannah, *quoted*, 69-70

Armed Forces of the Philippines, 5, 6, 20, 24

*Asian Drama, The*, 45

assassination plot against the President, 2-6, 10-11, conspiracy in, 11-13; motives, 10-13

Auden, W. H., *cited*, 73

autarkic principle, 75

"balance" of society, 74-75, 78-79

Bangladesh, 108

*barangay*, 62, 63, 64, 76-78, 103, 106, 110, 111-112, 140, 146, 148 truly Asian, 139

barrio officials as people's representatives, 63, 112

barrio self defense units, 24

Bataan, 122

*bayanihan* spirit, resurgence of, 72-74

Bie, Benjamin M., 140

*See also* Commander Melody

Bonifacio, Andres, 71

bribery, 79-80

Brinton, Crane, *cited*, 50

"budgetary Huks," 6

Burma, 51

Cambodia, 26

capital, remedy to, lack of, 85

capital resources, accumulation of, 133

Capitalism,

- American, 98
- as road to economic development, 84

Cardozo, Benjamin N., 150

Carlyle, Thomas, *cited*, 101

Central Bank, 130, 131

change, revolutionary demand for, 142

China, 26

Citizen's Assemblies, 62, 63, 64, 76-78, 103, 106, 110, 111-112

City Hall of Manila, 19

civil equality, basis of a new political bond, 83

enforcement of, 83

civil order,

- rationale of all societies, 113-114
- restoration, 113-115

civilian authority, 147

colonial mentality, reflected in adoption of the American constitutional spirit, 71

colonialism, 48, 49

Commander Dante, 140

Commander Melody, 140

*See also* Bie, Benjamin M.

Commander Pusa, 140

*See also* Sanguyo, Benjamin

Commission on Elections, 112

common good, 150

communism,  
as alternative road to economic development, 84  
Russian Socialism, 98  
communism and liberal democracy, 101 *See also* great systems  
communist movement in the Philippines, 13-17  
supported by the rich and the powerful, 9-10  
Communist Party of the Philippines, 16, 17, 22, 23  
Communist Party of the Philippines, July-August Plan, 5  
Communist Politburo, 14  
communist rebellion in Mindanao, 107-108  
communist revolutionaries, 12, 35, 37, 38; and the poor, 53-55  
community development, promotion of, 119  
complacency, error of, 148  
Concepcion, Roberto, 105  
Congress: reaction to testimony of Defense Department on state of rebellion in the country, 6  
Constitution, 1935, 143, 145, 147  
Constitution, 1973, 44, 77-78, 103, 104-106, 111-112, 142  
objectives of, 146-147  
*Constitution and Martial Law, The*, 28, 36  
Constitution:  
Commonwealth, 70  
Malolos, 70  
provision to defend itself, 39-40  
ratification, 106-111, 143  
constitutional authoritarianism, 80, 145  
Constitutional Convention, 103, 106, 142  
"constitutional crisis," 146  
constitutional innovation, 140  
constitutional opposition: prerequisite of a democratic society, 34-35  
Constitutional plebiscite, 106  
constitutional revolution, 80  
constitutionalism, 139  
consumer cooperatives, 137  
"contingency," plan of the military, 8-9, 24  
cooperative communities, 119  
Cooperative Insurance System of the Philippines, 137  
Cooperatives Development Program, 137  
cooperatives program, 137  
copper smelter-refinery plant, establishment of, 124  
copper smelters, 124  
Cotabato City, 107  
*coup d'etat*, 5, 56; plan of former officers of Armed Forces, 20  
crime situation, prior to Martial Law, 19, 20, 72  
criminal elements, 35  
crisis of commitment, 56-57  
De Madariaga, Salvador, *see* Madariaga, Salvador de  
Democratic Revolution and the egalitarian demand of the poor, 56-57, 59; 60-64  
Department of National Defense 6, 24  
Development Academy of the Philippines (DAP), 138-139  
Development Bank of the Philippines, 123  
"development dilemma," 87-90  
development information, 139  
Development Plan, 124; adoption of, 132

Digoyo incident, 21  
 discipline, kind needed, 73-74  
     need for, 73-74, 79-80  
 dollar deposits, 131  
 domestic coastal commerce,  
     needs of, 125  
 domestic investments, 131, 133  
 domestic logs, processing of, 124  
 Draconian measures, 87  
 drought, 23-24  
 Duverger, Maurice, *quoted*, 59, 75  
 Economic development, 83-100, 121  
     capitalists or socialists, 86-90  
     underdeveloped countries *vis-a-vis* developing nations, 86-87  
 economic equality, 132  
 economic inequality, 84  
 Economic Society, 98-100  
 economic system for the New Society, 98-100  
*Economic Theory and Underdeveloped Regions*, 90  
 education and culture, 151  
 educational reforms, 151  
 Egalitarian principle, 60-61, 66  
 engineering industries, promotion of, 125  
*El Filibusterismo*, 68  
 Ellul, Jacques, 81  
 energy crisis, 127, 128, 131  
 Engels, Friedrich, 85  
 Enrile, Juan Ponce, 22, 24  
 equality: fundamental demand of the poor, 59-66, 67-69  
 Export Processing Zone, 122  
 exports, increase in, 149  
 famine, 23  
 farmer communities, 119  
 fertilizers, utilization of, 134  
 15-year-olds, allowed to vote, 112  
 firearms, 21, 116  
 "floating rate," 130  
 floods of July and August, 21, 22, 23, 24  
 food crisis, 127-128, 131  
 food processing, encouragement of, 125  
 food production, 122  
 food self-sufficiency program, 137  
 Ford and Rockefeller Foundations, 127  
 foreign exchange resources, 131  
 foreign interventionists, 35  
 foreign investment, 131, 133; promotion of, 130  
 Four-Year Development Plan for Fiscal Years 1974-1977;  
     adoption of, 129  
     objectives, 129-130  
 fratricidal strife, 147  
 "free flow" policy of foreign investment, 121  
 funds mobilization, 132  
*Games Nations, Play*, 49  
 geothermal power, 126, 128  
 geothermal power plant, Albay, 126  
 Great systems, 101  
     *see also* communism and liberal democracy  
 Green Revolution, 119, 127, 137  
 HMB, 14  
*habeas corpus*, lifting of suspension of writ of, 1  
 hate-campaign against the President, 3-4  
 Hensman, C. R., *cited*, 46-47  
*Hernandez vs. Montesa*, 14  
 Hoffer, Eric, *cited*, 55  
 Housing projects, 136  
 Hukbalahap, 14

*Hukbong Mapagpalaya ng Bayan*,  
14

Huks, 140  
human freedom, abolition of, 150  
human settlements, planning of, 129  
hydropower, 126, 128  
*ilustrado* tradition, 68, 69-71  
income tax filers, increase of, 132  
Indonesia, 12, 26, 37  
industrial development, 126  
industrial peace, 120  
industrial peace and justice, maintenance of, 151  
industrial salt production, 128  
industrialization, 127  
industries, 138  
Industry, Department of, 122  
infrastructures, 129  
intellect, liberation of, 89  
*interim* Assembly, 143-145, 148  
*interim* President, 143-144  
*interim* Prime Minister, 143-144  
*interim* Speaker, 144  
Internal Revenue Code, 150  
"internal" revolution, 148-153  
International Labor Organization, 123  
international reserves, 131  
International Rice Research Institute, 119, 127  
Investments, Board of, 122  
Iron and Steel Authority, 123  
iron and steel mill, establishment of, 123  
iron sintering plant, 124  
IRRI rice varieties, 119, 127  
Isabela, 20, 21  
Jacobin revolutionaries, 141  
*Javellana vs. Executive Secretary*, 104

Jones Law of 1916, 153  
Jordan, 26

*Kabataang Makabayan* (KM), 15  
*Karagatan*, 21-22  
*Katipunan*, 71  
Kellen, Konrad, *quoted*, 81  
kidnappings, 19  
labor, reforms in, 151  
Labor Code, new, signing of, 134-135  
labor unions, 135  
*Labyrinth of Solitude, The*, 85  
Lanao del Norte, 107  
Lanao del Sur, 107  
land development, 136  
land development projects, 136  
land ownership system overhauled, 117-118  
land reform, 119, 122, 150  
landlords, cacique-type, 150  
*Lansang et al. vs. Garcia, etc.*, 7, 13, 104  
Laos, 26  
*Lapiang Manggagawa*, 15  
Latin American, 26  
*Lava vs. Gonzales*, 14  
leftists, 11  
Leganes, Iloilo, 128  
legislation, power of, 145  
Liberal Democracy and Communism, 101  
    *see also* great systems  
Liberal Party, 22, 24, 25 and the subversives, 24, 25  
Libya, 116  
local textile industries, upgrading of, 124  
low-cost housing, 136

Mabini, Apolinario, 149, 152  
 Madariaga, Salvador de, 87  
*Malayang Samahan ng mga Mag-sasaka* (MASAKA), 15  
 Malaysia, 26  
 Malolos Congress, 70  
 Manila, 19, 20, 24  
 Manila Overseas Press Club, 135  
 manpower resources, utilization of, 151  
 Mansfield, Mike, U.S. Senate Majority Leader, 43  
 Mansfield Report, 43-44  
 manufacturing industries, promotion of, 125  
 Mao Tse-tung, quoted, 54  
 Maoist communists, 19, 20, 23  
 Marawi City, 107  
 Marcos, Ferdinand E., 12, 43  
 Marcuse, Herbert, 91  
 Mariveles, Bataan, 122  
 Martial law, 130-131, 142, 153  
     based on supremacy of civilian authority over the military, 103  
     characteristics, 100-103  
     dismantling of, 146  
     necessity for, 6-29  
     powers of President, 142-146  
     purposes achieved, 43-44  
     ultimate weapon for stability, 153  
     unique, 103  
     weapon against revolution, 153  
 martial law authority, 142  
 Marxism, 47-48, 61, 85, 102  
 Marxist intellectuals, 141  
 Marxist-Jacobin Revolution and the egalitarian demand of the poor, 59-62  
 Masagana 99, 119  
 MASAKA, 15  
 mass poverty, 121  
 media, 135-136  
 Media Advisory Council, 135  
 medicare, 136  
 Melchor, Alejandro, 115  
 "military" plot, 2  
 Mill, J. S., 101  
 Mindanao, 20, 107, 115, 116  
 Mindanao State University, 107, 128  
 mineral exploration, 124  
 mines, opening of new, 134  
 minimum wage, 120  
 "miracle rice" (IR-8), 127  
 Misamis Oriental, 124  
*Montenegro vs. Castañeda*, 14  
 moral errors, guard against committing, 148  
 moral will, act of, 152  
 Movement for the Advancement of Nationalism (MAN), 15  
 Muslim Amanah Bank, 116  
 Muslim areas, assistance to, 115-116  
 Muslim customs, law and traditions, 116  
 Muslim dialects, 116  
 Muslim Mindanao, 115-116  
 Muslim rebels, 115  
 Muslim secession movement, 35, 106-107; and the Maoists, 20  
 Muslim secessionist rebels, 107  
 Muslims in Mindanao, 18-19  
 Myrdal, Gunnar, cited, 45; quoted, 90  
 National Assembly *ad interim*, 143-145  
 National Defense, Department of, 6, 24  
 National Defense Secretary, 22, 25  
 National Economic Development Authority, 121  
 national economy, 121  
 national identity, problem of, 151

national ideology, need for, 74-75  
 national peril, 142  
 National Press Club, 135  
 National Security Council, 24, 25  
*Nava vs. Gatmaitan*, 14  
 new covenant, its implication, 78, 80, 81  
 new nationalism, 45  
 New People's Army, 11, 16, 17, 140  
     activists in 1969, 13-14  
     supreme commander of, 140  
 New Society  
     achievements of, 111-141  
     aim of, 100  
     and the poor, 57  
     constitutionalism, the basis of, 139  
     covenant of, 80-81  
     development plan of, 129  
     egalitarian base of, 94  
     institutionalization of, 148  
     leadership in, 78-79  
     legal structure of, 111  
     political base of, 111  
     political system for, 62, 63, 64  
     politics of, 140  
     prerequisites of, 97  
     President's vision for, 81  
     ruling principle, 57  
     support by rebels, 140-141  
 news media, 9, 11, 36  
*Noli Me Tangere*, 68  
 non-fossil sources of power,  
     development of, 128  
 "a nostalgia for the old days," 151  
 nuclear power, 126  
 nuclear power plants, 128  
 oil crisis, 125  
 oil exploration, increase in, 134  
 old Constitution, 142, 145, 147  
 Old society  
     destruction of, 140  
     evils in, 65, 72, 75-76  
     failure to create egalitarian  
     economic society, 99-100  
     "human nature" of, 149  
     impotency to reform itself, 113  
 Oligarchic Society, analysis of, 83-84  
 oligarchs, 151; visit of President  
     with, 4, 23  
 oligarchy, source of, 150  
*On Revolution*, 69-70  
 Operation (OPLAN) Sagittarius, 8-9, 24, 25  
 opposition party, *see* Liberal Party  
 out-of-school youths, 137  
 PKP, 15  
 Pakistan, 108  
 Palanan, 21  
*Palayan ng Bayan*, 119  
 Parang, 107  
 participatory democracy, 63, 76  
 Paz, Octavio, *quoted*, 85  
*People vs. Capadocia*, 13  
*People vs. Evangelista*, 13  
*People vs. Feleo*, 13  
*People vs. Lava*, 14  
*People vs. Nabong*, 13  
*People vs. Nava*, 14  
 Philippine Bill of 1902, 153  
 Philippine Coconut Research Institute, 128  
 Philippine communities, rational  
     development of, 139  
 Philippine Constabulary, 2  
 Philippine economy, 130  
 Philippine National Bank, 119  
*Philippine President's Diary*, 36  
 plebiscite, on ratification of New  
     Constitution, 105

plebiscite of January 1973, 145  
plot against the Government of the Philippines, 2-11  
political authority: re-orientation, 62  
political elite, 86  
*Political Illusion, The*, 81  
political opposition and the subversives, 24-25  
political philosophers, ancient dream of, 140  
political power, belief of poor in, 51-53  
political revolution, democratic, 140  
political society, 146  
political system for the New Society, 67-82  
political structural reform, 63-66  
political will, exercise of, 141  
*Politics, Personality, and Nation Building*, 51  
Pomeroy, William, 49n  
Ponce Enrile, Juan,  
    *see also* Enrile, Juan Ponce  
poor, rebellion of, 47-52  
poverty as a social product, 47-49  
poverty of masses in transitional societies, 49-50  
"power to the people," 140  
President of the Republic, 1, 2, 3, 4, 12, 22, 35  
    *incumbent*, 143, 144, 146, 147  
Presidential Decree No. 2 (proclaiming the whole country as land reform area), 117  
Presidential Decree 21 (creating a National Labor Relations Commission mandating compulsory arbitration), 135  
•Presidential Decree No. 27 (emancipation of the tenants), 117  
Presidential Decree No. 251 (new system of compensating the land-owner), 117-118  
Presidential Guard Battalion, 2  
Presidential powers, 39, 144-148  
Presidential Security Unit, 2  
private armies, 34  
private property, abolition of, 150  
private sector, 136, 149  
Proclamation No. 210, October 22, 1950, suspending the privilege of writ of *habeas corpus*, 14  
Proclamation 1081, 31, 43  
producer cooperatives, 137  
production, 150  
Programme for a People's Democratic Revolution, 16  
progressive society, 90-98  
Propaganda Movement, 67-69  
"Protracted People's War," 16  
public knowledge, dissemination of, 77-78  
public leadership, tenet of, 78-79  
public officials, injunctions to, 77-79  
public service, career executives in, 138  
public utilities, sabotage of, 19  
Puerto Rico, 153  
Pye, Lucien, *quoted*, 51  
Quirino, Elpidio, 7, 14  
radicals: role in the assassination plot against the President, 11-13  
Ramos, Fidel, 2  
Ranis, Gustav, 123  
reactionaries, 11, 12, 18, 34-35, 36-37  
reactionaries: role in the assassination plot against the President, 11-13  
rebellion: Supreme Court decision attesting to fact of rebellion in the country, 6-7, 13-17

characteristics, 45-50  
 Referendum, 44  
     referendum of July 27 and 28, 1973, 111, 140  
 Renan Ernest, *cited*, 46  
 repression, instruments of, 87  
 Republic Act No. 1700, June 20, 1957, (Anti-Subversion Act), 14-15  
 Republic Act 3844 (Agrarian Reform Act), amended by Presidential Decree No. 251, 117-118  
 republican authority, 147  
 Revolution:  
     cultural roots of, 152  
     Czechoslovakian, 101-102  
     "External," 149, 152  
     French, 69  
     Hungarian, 101-102  
     "Internal," 148-153  
     institutionalization of, 141-148  
     Philippine, 69  
     success depends on people's support, 103  
 Reynolds International, 124  
 rice, 23, 118-119  
 rice crisis, 120  
 rice production, increase in, 119, 127  
*Rich Against Poor*, 46  
 rightist, 11  
 rightists and the poor, 53-56  
 Rizal, Jose, *cited*, 68, *quoted*, 75  
 robberies, 19  
 Robespierre, 69  
 roles between society and the poor reversed, 45-46  
 Rousseau, Jean Jacques, 101  
 rural banks, 119  
 rural credit extended to farmers, 119  
 rural health units, 136  
 Russia, Tsarist, 61  
 Sabah, 116  
 sabotage of public utilities, 19  
*Samahang Nayon*, 137; organized, 119  
 Sanguyo, Benjamin, 140  
     *see also* Commander Pusa  
 sanitation services, 136  
 Saudi Arabia, 116  
 sea farming, development of, 128  
 self-reliance, sense of, 137  
 Senate Ad Hoc Committee  
     Report on Central Luzon, 15-16  
 Senegal, 116  
 September 17, 1972, 1, 6, 9, 27  
 September 21, Movement, 31, 32, 33, 81  
 Shaw, Bernard, *quoted*, 93, 96  
 shortage in staples, 23-24  
 shrimp culture, 128  
 Sierra Madre, 22  
*sine qua non*, 130  
 Sino-Soviet split, 102  
 small- and medium-scale enterprises, 125  
     establishment of, 122-123  
     promotion of, 132  
 social discipline, 138  
 social equality, 83-84  
 social progress, 120  
 social reforms, 120;  
     institutions of, 117  
 social services, expansion of, 136  
 Socialism, 86, 88, 98  
 socialist accumulation, 85  
 socialist intellectuals, 141  
 socialization, 150  
 Society,  
     authentic human society, 89  
     progressive, 90-98

surveilled, 149  
vertical view, 88, 89  
socio-economic program, 121  
Somalia, 116  
Soviet Union,  
    controlled economy of, 85  
Spanier, John, *cited*, 49  
Spurious document,  
    portraying President as plotting  
    against the people, 2  
    reaction of President, 2-4  
    study by the President, 10-12  
stabilization program, 130  
Stalinism, 98  
*status quo*, 153  
Suharto, President of Indonesia, 20  
Sulu, 35, 107, 116  
Supreme Court, 104, 105, 111  
    on rebellion in the  
    Philippines, 13-17  
    survival, insights for, 139  
suspension of writ of  
    *habeas corpus*, 13-18  
Sweezey, Paul, *cited*, 86  
Tariff and Customs Code, 150  
Taruc, Luis M., 140  
"Tarinsing documents," 19, 21  
"tax amnesties," 132  
tax campaign, 150  
tax reforms, 150  
technological advancement,  
    Philippines, 127  
10-year shipbuilding program,  
    adoption of, 125  
Terminal Food Market of Manila,  
    expansion of, 137  
threats to the Republic, 35-36, 102  
*Today's Revolution: Democracy*,  
    *cited*, 1, 26-27, 28, 32, 33, 79,  
    80, 150  
tourism, 132  
tourist areas, designation of, 139  
trade between Sulu and Sabah, 116  
transitional elites and  
    the poor, 52-53  
transitional politics, 52  
transitional societies, 53-54  
    contradictions, 53-54  
transitory Provision of  
    Constitution, 143-147  
*True Believer, The*, 55  
Tsarist Russia, 61  
*tungro* infestation of  
    rice plants, 24  
United Nations Security  
    Council, 108  
universal enfranchisement, 140  
*Unpoor*, revolutions of the, 46  
Urabe, Toshio,  
    Japanese Ambassador, 107  
Valeo Report, 43  
Ver, Fabian, 2, 6  
vertical view of society, 87  
Vietnam, 26, 37  
"village council," 140  
"village democracy," 140  
voters, 140  
"War of National Liberation," 16  
wealth, democratization of, 150  
welfare, meaning, importance,  
    and significance of, 94-97  
wood-based industries, 124  
"worker aristocracy," 94  
Youth, need for a challenging  
    program for, 151  
Youth Civic Action Program, 137  
Zamboanga del Norte, 107  
Zamboanga del Sur, 107, 108  
Zoning and Human Settlements  
    Commission, creation of, 129

